

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JEFFREY R.MODICA,)	
KATARZYNA A. MODICA a.k.a.)	
KATIE MODICA,)	Case No. 1:14-cv-03308
)	
Plaintiffs,)	Honorable Judge James B. Zagel
)	
v.)	
)	
)	
GREEN TREE SERVICING, LLC)	
)	
Defendant.)	

PLAINTIFFS' RESPONSE TO GREEN TREE'S STATEMENT OF MATERIAL FACTS

Plaintiffs, JEFFREY R. MODICA (“Jeff”) and KATARZYNA A. MODICA (“Katie”, collectively “Plaintiffs”), by and through their attorney, Mohammed O. Badwan of Sulaiman Law Group, Ltd., respond to Green Tree’s Statement of Material Facts, pursuant to Local Rule 56-1, as follows:

STATEMENT OF MATERIAL FACTS

The Parties

1. Plaintiffs, Jeffrey (“Jeff”) and Katarzyna (“Katie”) Modica (collectively, “Plaintiffs”) are natural persons residing at 240 South Villa Avenue, Addison, Illinois (“the Property”). (Complaint, ¶ 4.)

RESPONSE: Admit.

2. Defendant, Green Tree, is a limited liability company with its principal office located in St. Paul, Minnesota. (Complaint, ¶ 5.)

RESPONSE: Admit.

Jurisdiction and Venue

3. Jurisdiction of this Court arises under 28 U.S.C. §§ 1331 and 1337 because Plaintiffs assert claims pursuant to 47 U.S.C. § 227. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367. Venue is proper in this judicial district under 28 U.S.C. § 1391 because Plaintiffs reside and Green Tree transacts business in the Northern District of Illinois. (Complaint, ¶¶ 1-4.)

RESPONSE: Admit.

The Loan

4. Jeff purchased the Property in 2000 and Plaintiffs and their family have lived there since then. To make that purchase, Jeff entered into a promissory note and first mortgage with Countrywide in the amount of approximately \$198,000. That first loan was subsequently taken over by Bank of America and then Bayview, and is not at issue here. (Deposition of Jeffrey Modica, attached hereto as Exhibit A, 9:17-10:7; Deposition of Katarzyna Modica, attached hereto as Exhibit B, 8:6-16.)

RESPONSE: Admit.

5. In May 2007, Jeff obtained a second mortgage loan from Countrywide in the amount of approximately \$51,000 ("the Loan"). (Ex. A, Jeff Dep., 10:8-11:3; Ex. B, Katie Dep., 8:21-9:4.) Jeff's payments on the Loan were due on the first of each month. (Declaration of Karen Ferguson, attached hereto as Ex. C, ¶ 3.)

RESPONSE: Admit.

The Bankruptcy

6. On June 6, 2008, shortly after obtaining the Loan, Plaintiffs filed for Chapter 7 bankruptcy. At that time, Jeff was current on the Loan and it was Plaintiffs' intent to stay in their home at the Property. (Ex. A, Jeff Dep., 11:4-12,12:19-13:1; Ex. B, Katie Dep., 10:16-11.)

RESPONSE: Admit.

7. On September 9, 2008, Plaintiffs were granted a discharge of all dischargeable debts by the bankruptcy court. (Complaint, ¶ 11.)

RESPONSE: Admit.

8. After their bankruptcy, Bayview contacted Plaintiffs about modifying their Bayview loan. Plaintiffs had no issue with Bayview contacting them and did not view that contact as a violation of the discharge order entered in their bankruptcy. Plaintiffs entered into a loan modification with Bayview when Bayview approached them. (Ex. A, Jeff Dep., 15:2-16:6.)

RESPONSE: Admit.

9. Although they had gone through bankruptcy, Plaintiffs understood that the Loan could be foreclosed upon in the event payments were not made on the Loan. After the discharge, Jeff made monthly payments on the Loan throughout 2009, 2010, and into 2011 (first to Countrywide and then to Green Tree, which took over servicing of the Loan effective March 11, 2011). (Ex. A, Jeff Dep., 16:16-19:9; Ex. B, Katie Dep., 11:5-24; Ex. C, Ferguson Dec., ¶ 4.)

RESPONSE: Admit.

10. Jeff's March payment was short by \$27. On March 21, 2011, a Green Tree representative spoke with Jeff. During that call, Jeff confirmed to Green Tree that he intended to keep ownership of the Property, explained that his payment had been short due to "excessive

obligations,” and promised a payment. (Ex. C, Ferguson Dec., ¶¶ 4 and 6 and Ex. 1 thereto, entry for 3/21/11.)

RESPONSE: Deny. Jeff never told a Green Tree representative that he intended to keep ownership of the Property. *See* attached Plaintiffs’ Exhibit A, 22:8-11; 44:1-10; 70:8-12; 82:20-23, a true and accurate copy of the full transcript of Jeff’s deposition.

11. On September 10, 2011, Jeff made what would be his last payment on the Loan. (Ex. C, Ferguson Dec., ¶ 7.) Plaintiffs understood that Green Tree could foreclose on their mortgage, but they continued to live at the Property and wanted to keep the Property. (Ex. A, Jeff Dep., 20:9-12, 20:17-21, 21:4-7; Ex. B, Katie Dep., 13:8-12; 13:15-17.)

RESPONSE: Deny. Jeff did understand that Green Tree could foreclose but never told Green Tree that he wanted to keep the Property. *See* Plaintiffs’ Exhibit A, 18:19-20:8, 44:1-10, 70:8-12, 82:20-23. It was at this point that the Plaintiffs could no longer afford to make their mortgage payments as Katie ceased employment to care for Plaintiffs’ children. *See* Plaintiffs’ Exhibit A, 18:19-20:12, 44:1-10, 70:8-12, 82:20-23; *see* also attached Plaintiffs’ Exhibit B, 12:17-13:4, a true and accurate copy of the full transcript of Katie’s deposition.

12. After Jeff missed his October payment, Green Tree attempted to contact him by telephone to determine his intent with respect to the Property, leaving voicemails asking Jeff to call. On October 24, 2011, at approximately 1:18 p.m., a Green Tree representative spoke with Jeff. Jeff confirmed his intent to retain the Property and told the representative that he thought his spouse had mailed a double payment of \$793, but he was not sure “sure on specifics.” (Ex. C, Ferguson Dec., ¶¶ 4 and 7 and Ex. 1 thereto, entry for 10/24/11.)

RESPONSE: Deny. Green Tree was calling Jeff to collect payments on a discharged debt. *See* Plaintiffs’ Exhibit A, 46:23-47:5; Plaintiffs’ Exhibit B 29:8-15. Furthermore, Jeff never

confirmed his intent to retain the Property. *See* Plaintiffs' Exhibit A, 22:8-11, 44:1-10, 70:8-12, 82:20-23.

13. Five minutes later, Jeff called Green Tree and spoke with a different representative, Karen Ferguson, who was the Green Tree representative assigned to Jeff's account. Again, Jeff confirmed his intent to retain the Property, told Ferguson that his wife sent in a double payment and that he would check with her and call back that afternoon. Jeff told Green Tree that Green Tree could call him on his cell phone number, 630-625-2000. (Ex. C, Ferguson Dec., ¶¶ 4 and 7 and Ex. 1 thereto, entry for 10/24/11.)

RESPONSE: Deny. Jeff never told Karen Ferguson his intent was to keep the property. *See* Plaintiffs' Exhibit A, 22:8-11, 44:1-10, 70:8-12, 82:20-23. Furthermore, Jeff never told Green Tree that it can call him on his cell phone and never provided Green Tree with his cell phone number. *See* attached Plaintiffs' Exhibit C, ¶11, a true and accurate copy of Jeff's Declaration. Green Tree maintains that Jeff provided his cell phone number to it on March 21, 2011. *See* Green Tree SOF, Exhibit C, ¶6. However, the servicing notes attached to Green Tree's Exhibit C as Exhibit 1 for the 3/21/11 entry does not reflect Katie Ferguson's statement that Jeff provided his cell phone number on this date. In fact, the notes reflect that Green Tree verified Jeff's "SSN, Mail Address, Work Phone, Home Phone, Property Address." *See* attached Plaintiffs' Exhibit D, pg. 16, entry for March 21, 2011 at 17.01.08, a true and accurate copy of Green Tree's Collection Comment List authenticated by Karen Ferguson in Green Tree's Statement of Material Facts, Exhibit C. Lastly, nearly 8 months after Green Tree maintains Jeff provided his cell phone number to it, the entry for November 12, 2011 in Green Tree's servicing notes indicates that Katie Ferguson asked Katie if Jeff has a cell phone number, thus refuting Katie Ferguson's statement in Paragraph 6 of her declaration that Jeff provided his cell phone

number to Green Tree on March 21, 2011. *See* Plaintiffs' Exhibit D, pg. 16, entry for November 12, 2011 at 10.00.28.

14. In fact, Katie had not sent in a double payment and Jeff did not call Green Tree back that afternoon. In the days that followed, having not heard further from Jeff, Green Tree's Ferguson attempted to contact him at the number he had given her. Jeff did not answer those calls. Sometimes Ferguson left messages, asking Jeff to call; sometime she did not. (Ex. C, Ferguson Dec., ¶¶ 4 and 8 and Ex. 1 thereto.)

RESPONSE: Deny to the extent that Jeff provided Green Tree his cell phone number. *See* Plaintiffs' Exhibit C, ¶11.

15. Every time Ferguson left a voicemail, she said (as Jeff described it) only: "Jeff, this is Katie Ferguson from Green Tree. You need to give me call back at this number. I think she left her extension. It is very important." (Ex. A, Jeff Dep., 34:7-35:6; Ex. B, Katie Dep., 19:3-12.)

RESPONSE: Admit.

16. After unsuccessful attempts to contact Jeff, Ferguson located one of Plaintiffs' neighbors and left a voicemail for her, asking her to ask Jeff to call Green Tree. (Ex. C, Ferguson Dec., ¶¶ 4 and 9 and Ex. 1 thereto, entry for 11/12/11.) This prompted Katie to call Ferguson on November 12. At that time, Plaintiffs wanted to stay in their home. Katie asked why Green Tree had called Plaintiffs' neighbor; Ferguson explained that she was trying to get hold of Jeff. There was no substantive conversation about the Loan or Plaintiffs' bankruptcy. Katie then called Ferguson again on November 12. The contents of the second call were essentially the same as the first. (Ex. B, Katie Dep., 18:17-19, 20:2-4, 20:14-18, 21:3-15, 22:1-6, 22:24-23:2, 25:2-9.)

The two calls on November 12, 2011 were the only times Katie actually spoke with a Green Tree representative. (Ex. B, Katie Dep., 18:13-16, 26:9-17.)

RESPONSE: Deny to the extent that Plaintiffs indicated to Green Tree they wanted to stay in their home. *See* Plaintiffs' Exhibit A, 22:8-11, 44:1-10, 70:8-12, 82:20-23; Plaintiffs' Exhibit B, 45:14-17.

17. As no payments were forthcoming, Ferguson continued to attempt to contact Jeff and sometimes Katie to determine Plaintiffs' intent with respect to the Property. (Ex. C, Ferguson Dec., ¶¶ 4 and 10 and Ex. 1 thereto.) Jeff finally called Green Tree in response to Ferguson's voicemails on December 20, 2011; that call lasted approximately 54 minutes and was the only conversation that Jeff recalls having with Green Tree. Jeff stated that he was calling to explain why he had not been paying the Loan. He confirmed his intent to keep the Property and discussed with Ferguson and then with her manager a possible loan modification and ways Green Tree could work with him to bring the loan current. (Ex. A, Jeff Dep., 31:24-32:16, 35:7-13; Ex. C, Ferguson Dec., ¶¶ 4, 10-11 and Ex. 1 thereto, entries for 12/20/11.)

RESPONSE: Deny. Jeff never solicited Green Tree for a loan modification and never indicated to Green Tree that he wanted to stay in home. On December 20, 2011, Green Tree called Jeff on numerous occasions and Jeff returned the calls to inquire why Green Tree kept calling his family members and his neighbors and to advise Green Tree that he could not afford to pay them, will not pay them as the loan was discharged in bankruptcy, and he did not want to stay in the home. *See* Plaintiffs' Exhibit A, 22:8-23:22, 40:11-47:17, 70:8-12, 82:20-23, Plaintiffs' Exhibit B, 57:1-12, Plaintiffs' Exhibit C, ¶¶ 9-10. Jeff demanded that Green Tree stop calling him, his wife, his family members, and his neighbors during this phone call. *See* Plaintiffs' Exhibit C, ¶¶ 9-10.

18. In follow-up to those discussions, Green Tree sent Jeff a loan modification package on December 22, 2011. (Ex. C, Ferguson Dec., ¶¶ 4 and 11 and Ex. 1 thereto, entry for 12/22/11.) In the months that followed, Plaintiffs continued to live at the Property but made no payments to Green Tree. Ferguson continued her attempts to contact Jeff (directly or through Katie) to determine his intent with respect to the Property, again sometimes leaving voicemails asking him to call. Jeff did not return any of those voicemails. (Ex. C, Ferguson Dec., ¶ 4 and 12 and Ex. 1 thereto.)

RESPONSE: Deny to the extent that Green Tree's motive in placing the phone calls was to ascertain intent. *See* Plaintiffs' Exhibit A, 45:1-47:5, Plaintiffs' Exhibit B 29:8-30:11, 45:2-7. Furthermore, Jeff does not recall receiving a loan modification package from Green Tree. Green Tree did in fact send a correspondence to Plaintiffs advising them that Green Tree is releasing the lien on the Property in November 2013, after this lawsuit was filed. *See* Plaintiffs' Exhibit A, 59:11-60:16. The correspondence was sent after Green Tree placed a phone call to Jeff *after* this lawsuit was filed. *See* Plaintiffs' Exhibit A, 59:11-60:16.

19. Jeff never told Green Tree words to the effect, "Stop calling. We don't want the house." He did not speak with Green Tree again after December 20, 2011. (Ex. A, Jeff Dep., 38:2-6, 48:17-22.)

RESPONSE: Deny. Jeff did tell Green Tree to stop calling and that he did not want the home. *See* Plaintiffs' Exhibit A, 22:8-23:22; 85:23-86:4. Furthermore, Jeff did speak to Green Tree after December 20, 2011 when a Green Tree agent called Jeff in November of 2013. *See* Plaintiffs' Exhibit A, 59:11-60:16.

20. Katie did not answer any of the calls that Green Tree made to her, nor did she return any of the voicemails left for her or ask Jeff to do so. (Ex. B, Katie Dep., 19:13-15, 28:16-21,

43:14-21.) The two calls on November 12, 2011 were the only times Katie actually spoke with a Green Tree representative. (Ex. B, Katie Dep., 18:13-16, 26:15-17.)

RESPONSE: Admit.

21. Katie alleges that in early March 2012, Green Tree sent a representative to the Property to determine whether the Property was still occupied and what Jeff intended to do. Katie answered the door; Jeff was not home. The Green Tree representative handed Katie a paper which had Green Tree's logo on it. He said, "When Jeff gets home, have him call me – it's very important." Then the man left. He did not yell or threaten Katie. (Ex. B, Katie Dep., 37:17-40:2, 41:6-7, 41:20-22.)

RESPONSE: Admit.

22. Plaintiffs have no notes of conversations with Green Tree, nor recordings of any telephone calls or voicemails. (Ex. A, Jeff Dep., 26:11-24, 27:4-6; Ex. B, Katie Dep., 15:19-23.)

RESPONSE: Admit.

23. During the period at issue in this case (2011-2013), Green Tree used two separate methods to contact customers by telephone: (1) calls made manually by calling agents at Green Tree's call centers; and (2) calls made by Green Tree's predictive dialing system. (Declaration of Roger Sparks, attached hereto as Exhibit D, ¶ 3.)

RESPONSE: Admit.

24. With respect to manual calls, the calling agents operated computers with a custom-built account user interface known as "UCSe." Those computers did not store customer information or have software that would enable the computer to produce telephone numbers to be called using a random or sequential numerator generator, and to then call those numbers.

Moreover, the call center computers did not have the capability to perform predictive dialing, and the call center agent had no ability to initiate predictive dialing. (Ex. D, Sparks Dec., ¶ 4.)

RESPONSE: Deny. The call center computers have the capability to perform predictive dialing. The call center computer's UCSE interface (which retrieves numbers stored on the server) and the Aspect Unified IP Version 6.6 Service Pack 2 [Green Tree's predictive dialing system] are capable of working together to achieve a contact. *See* Green Tree's SOF, Exhibit D, ¶¶5-13; *see* also attached Plaintiffs' Exhibit E, 63:12-66:4, a true and accurate copy of the transcript of the deposition of Roger Sparks, Green Tree's Systems Manager.

Specifically, a Green Tree agent can sign in to the predictive dialing system through UCSE and "exchange an account number, a phone number so that the UCSE knows who it is that the dialer is trying to call. So you can have an agent sitting at a desk logged into UCSE, logged into their extension. They log into the [predictive dialing system] to take part in a predictive dialer campaign. The dialer cues off automated dials until they achieve a contact. They pass that to the available agent who is sitting at their desk logged into these applications. When it sends that audio to the agent's extension it also sends an account number via API to UCSE so it knows. UCSE pings the [server] so it can pass a screen pop" to that agent that displays the borrower's account details. *See* Plaintiffs' Exhibit E, 63:12-66:4.

25. Rather, for any given loan, the calling agent, using the UCSe interface, accessed information regarding the loan (including phone numbers when applicable) that resided on an IBM 9117, Model MMD server ("the Server") which was located in St. Paul, Minnesota. (Ex. D, Sparks Dec., ¶ 5.).

RESPONSE: Admit.

26. If the agent determined that a call to a customer was warranted by the circumstances then existing, the agent manually placed a call to the customer by either dialing the customer's phone number on the agent's telephone, using the keypad on the agent's computer to dial the customer's number, or using the computer mouse to click on a telephone number that was displayed on the computer screen (which number was retrieved from the Server, where that information was stored). In the latter two cases, after action by the agent, the agent's computer would cause the agent's telephone to dial the customer's number and the call would proceed as if the agent had personally dialed the number on the telephone. (Ex. D, Sparks Dec., ¶ 6.)

RESPONSE: Admit.

27. After the call with the customer was completed and the agent moved on to another loan, all information relating to the prior loan would disappear from the agent's computer; customer information was not stored on the agent's computer. (Ex. D, Sparks Dec., ¶ 7.)

RESPONSE: Admit.

28. In sum, the process for manually dialing required four components (i.e., a live calling agent, the agent's computer, the server, and a telephone), and the process of dialing had to be initiated by the calling agent making a decision to call the customer and then taking action to cause the number to be dialed. (Ex. D, Sparks Dec., ¶ 8.)

RESPONSE: Admit.

29. During the relevant period, Green Tree also contacted customers using a predictive dialer known as the Aspect Unified IP Version 6.6 Service Pack 2 ("Dialer") to conduct "Dialer campaigns." Green Tree's Dialer was a combination of hardware and software located in Tempe, Arizona and St. Paul, Minnesota, separate and apart from the server and the computers located in the calling centers. (Ex. D, Sparks Dec., ¶ 9.)

RESPONSE: Admit.

30. For the Dialer to make calls, a Green Tree employee first determined what criteria would be used to select the phone numbers that would be dialed as part of a Dialer campaign. The selected numbers were transferred in a data file from the Server to the Dialer, which then dialed those numbers. (Ex. D, Sparks Dec., ¶ 10.)

RESPONSE: Admit.

31. For a Green Tree agent to participate in phone calls initiated by the Dialer (i.e., a Dialer campaign), it was necessary for the agent to log on to the Dialer from the agent's computer. Once the agent logged on to the Dialer, the Dialer would connect via telephone line to the agent's telephone. (Ex. D, Sparks Dec., ¶ 11.)

RESPONSE: Admit.

32. If the Dialer detected that a live person had answered the call, the Dialer would transfer the call to an available agent (i.e., an agent who had taken affirmative action to log onto the Dialer and who was not otherwise engaged in speaking with another customer), typically in Green Tree's Front End Collection Group or in another group that had logged into the Dialer. Occasionally, recorded messages were left by the Dialer instead of transfer of the call to an agent. (Ex. D, Sparks Dec., ¶ 12.)

RESPONSE: Admit.

33. Individual calling agents did not have the ability to set up a Dialer campaign from their computers or to otherwise initiate action by the Dialer. On occasion, a regional manager set up a Dialer campaign for calling agents in his region. If a regional manager decided that a Dialer campaign was needed, he set up the campaign by providing the account criteria for the accounts to be called. Calling agents within the region then logged onto the Dialer and the Dialer

connected via phone line to the agents' phones. The Dialer then began its work and connected answered calls to available representatives. The use of the Dialer at the regional level was left to the decision of the regional managers. (Ex. D, Sparks Dec., ¶ 13.)

RESPONSE: Admit.

34. During the relevant period, Katie's cell phone number was (630) 625-2342 and Jeff's cell phone number was (630) 625-2000. (Debtors' Response to Green Tree Services LLC's Interrogatories, attached hereto as Ex. E, No. 2.)

RESPONSE: Admit.

35. No calls were made by the Dialer to Katie's cell phone. Six calls were made to Jeff's cell phone by the Dialer, at the dates and times set forth below:

DATE	TIME
10/18/11	9.36.24
10/19/11	7.20.00
10/21/11	6.16.30
10/21/11	13.27.32
10/24/11	6.56.06
10/24/11	13.18.03

All other calls made to Jeff's cell phone and all calls made to Katie's cell phone were thus made manually by a Green Tree representative. (Ex. D, Sparks Dec., ¶¶ 14-18 and Ex. 1 thereto.)

RESPONSE: Admit.

Respectfully submitted,

/s/ Mohammed O. Badwan

Mohammed O. Badwan

ARDC#6299011

Counsel for Plaintiffs

Sulaiman Law Group, Ltd.

900 Jorie Boulevard, Suite 150

Oak Brook, Illinois 60523

(630) 575-8181

mbadwan@sulaimanlaw.com

EXHIBIT A

In The Matter Of:
In re
Jeffrey R. Modica, et al., Debtors

JEFFREY R. MODICA
December 18, 2013

Bistany Reporting Service
100 North LaSalle Street
Suite 1600
Chicago, Illinois 60602
e-mail: info@bistanyreporting.com

1		I N D E X			
2	WITNESS EXAMINATION	DX	CX	RDX	RCX
3	JEFFREY R. MODICA				
4	BY MR. BLANKENSHIP	4		85	
5	BY MR. BADWAN		66		
6					
7					
8	E X H I B I T S				
9	DEPOSITION EXHIBITS				MARKED
10	J. Modica Exhibit No. 1				8
11	J. Modica Exhibit No. 2				27
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1 JEFFREY R. MODICA,
2 called as a witness, being first duly sworn, was
3 examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. BLANKENSHIP:
6 Q Will you state your name for the record,
7 please.
8 A Jeff Modica.
9 MR. BLANKENSHIP: Let the record reflect
10 that this is the deposition of Jeff Modica taken
11 pursuant to notice and agreement of the parties and
12 the applicable Federal and Bankruptcy rules.
13 BY MR. BLANKENSHIP:
14 Q Mr. Modica, my name is Marshall
15 Blankenship. I represent Green Tree who you filed a
16 motion against.
17 A Sure.
18 Q Have you ever been deposed before?
19 A No.
20 Q Okay. I'm going to be asking you a series
21 of questions about your motion --
22 A Okay.
23 Q -- your complaints against Green Tree.
24 A Sure.

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1 Q If you don't understand a question, please
2 let me know, and I'll try to rephrase it for you.
3 A Okay.
4 Q We can't speak at the same time because
5 the court reporter has to type it down. So I ask
6 that you let me finish my question before you give
7 your answer, and I'll try to let you finish your
8 answer before --
9 A Sure.
10 Q -- I ask the next question.
11 And if you need to take a break at any
12 time, just let me know, okay?
13 A Sure.
14 Q Where do you live?
15 A In Addison.
16 Q What's your address?
17 A 240 South Villa Avenue in Addison,
18 Illinois.
19 Q How long have you lived there?
20 A Approximately 12 years.
21 Q And what is your birth date?
22 A June 6, 1976.
23 Q Are you married?
24 A Yes.

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1 Q How long have you been married?
2 A Approximately seven years.
3 Q Do you have any children?
4 A Yes.
5 Q How many?
6 A Three.
7 Q And boys, girls?
8 A Boys.
9 Q Three sons?
10 A Sons, yes.
11 Q And what are their ages?
12 A Ages 16, 6, and 4.
13 Q And do all three sons still live with you
14 and your wife?
15 A Yes.
16 Q And your wife lives with you in Addison?
17 A Correct.
18 Q What is your highest level of education?
19 A High school with vocational school in the
20 IBEW, Local 701, three years.
21 Q And what is the IBEW?
22 A International Brotherhood of Electrical
23 Workers.
24 Q Are you presently employed?

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1 A Yes.
2 Q By whom?
3 A IM Electric Incorporated.
4 Q And what is your position?
5 A Foreman electrician.
6 Q How long have you been employed by
7 IM Electric?
8 A Approximately seven years.
9 Q When did you graduate from high school?
10 A 1994.
11 Q Did you do anything to prepare for today's
12 deposition?
13 A No, except for look over our paperwork
14 that you probably have a copy of.
15 Q Okay. What paperwork did you look over,
16 the motion that was filed on your behalf?
17 A Yeah, whatever the packet is that --
18 MR. BLANKENSHIP: Let me mark this --
19 MR. BADWAN: I object to the question.
20 It's kind of attorney-client privilege, what he did
21 to prepare for it.
22 MR. BLANKENSHIP: I don't want you to
23 disclose any communications you've had with your
24 counsel.

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1 MR. BADWAN: Sure.
2 MR. BLANKENSHIP: But I think I am
3 entitled to know what documents you might have
4 reviewed.
5 MR. BADWAN: Sure. I just want to keep
6 the scope very limited to not anything that we
7 talked about.
8 MR. BLANKENSHIP: Right. I don't want
9 that.
10 Let's mark this as Modica Exhibit 1.
11 (J. Modica Exhibit No. 1
12 marked for identification.)
13 BY MR. BLANKENSHIP:
14 Q Let me show you what we've marked as
15 Modica Exhibit 1. Do you recognize this as your
16 motion for sanctions against Green Tree?
17 A Yes.
18 Q Is this the document that you looked at to
19 prepare for today's deposition?
20 A Yes, pretty much the phone conversations
21 and things like that.
22 Q Okay. Did you look at any records
23 reflecting the dates of any phone calls with Green
24 Tree?

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1 A The dates? I was trying to remember when
2 the things happened, so I browsed this right here.
3 Q Did you look at anything other than
4 Exhibit 1?
5 A No.
6 Q Okay. And you met with your counsel,
7 correct?
8 A Previous to today?
9 Q To prepare for today's deposition?
10 A Correct.
11 Q Okay. And when was that?
12 A Yesterday.
13 Q And how long did you meet with counsel?
14 A Ten minutes.
15 Q Okay. And was anyone else present?
16 A Just me and my wife.
17 Q Now, you own the property located at
18 240 South Villa Avenue in Addison?
19 A Correct.
20 Q In whose name is that property titled?
21 A Mine.
22 Q And you bought that property in
23 approximately 2001?
24 A Correct.

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1 Q And did you obtain a mortgage when you
2 purchased the property?
3 A Yes.
4 Q From whom?
5 A At the time I believe it was Countrywide.
6 Q Okay. How much was that initial loan for?
7 A I want to say 198,000, approximately.
8 Q Okay. And then in May of 2008, you
9 obtained a second mortgage on the property?
10 A Yes.
11 Q And that was also from Countrywide?
12 A I'm not sure on the exact date of the
13 second mortgage, but yes, we did obtain a second
14 mortgage from Countrywide.
15 Q Okay. Some years after --
16 A Yes.
17 Q -- your initial purchase?
18 A Exactly.
19 Q And the second mortgage was also from
20 Countrywide?
21 A I believe so, yes.
22 Q And the amount of that second mortgage was
23 approximately 51,000?
24 A Correct.

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1 Q And that second loan was secured by a
2 junior mortgage on your Addison property?
3 A Correct.
4 Q You filed for bankruptcy on June 6, 2008?
5 A Yep.
6 Q And that was just shortly after you had
7 obtained that second mortgage from Countrywide,
8 correct?
9 A Correct. It must have been, yeah.
10 Q Okay. About a month after?
11 A I think so, yeah. It was both -- it was
12 pretty close.
13 Q Okay. Who was your lawyer at the time
14 that you filed for bankruptcy?
15 A Martucci, I believe, in Roselle.
16 Q And when did you retain the Sulaiman Law
17 Group to represent you?
18 A Not until we needed guidance with the
19 whole foreclosure thing. And we didn't know what we
20 were doing at the time, and I needed somebody who
21 knows what they're doing to talk to.
22 Q And do you recall when that was?
23 A You know what, the initial meeting I
24 don't, the exact date.

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1 Q Your motion was filed on July 2, 2013.
2 Does that help you put a time to when you first
3 retained Sulaiman?
4 A July 2nd? It had to be within the months
5 approximately before that obviously. I'm not
6 sure --
7 Q Okay. So sometime --
8 A -- exactly the date.
9 Q Okay. So sometime between, say, May and
10 July of 2013?
11 A Approximately. I mean, I'm not sure, to
12 be honest with you.
13 Q I understand.
14 MR. BADWAN: If you're not sure, just say
15 you're not sure.
16 A I'm just not sure on the date, to be
17 honest with you.
18 BY MR. BLANKENSHIP:
19 Q That's fine. Now, at the time you filed
20 for bankruptcy on June 6, 2008, you were current on
21 both of your Countrywide loans; is that correct?
22 A Correct. Yes.
23 Q And when you filed for bankruptcy, was it
24 your intent to stay in your home?

Page 13	Page 15
<p>1 A At the time, yes.</p> <p>2 Q But you did not reaffirm your Countrywide</p> <p>3 debts in the bankruptcy proceeding, correct?</p> <p>4 A Correct --</p> <p>5 MR. BADWAN: Could you please explain what</p> <p>6 reaffirming a debt really means?</p> <p>7 MR. BLANKENSHIP: Sure.</p> <p>8 MR. BADWAN: Because as you know, we</p> <p>9 weren't the counsel for the bankruptcy.</p> <p>10 MR. BLANKENSHIP: Yes, that's fine.</p> <p>11 BY MR. BLANKENSHIP:</p> <p>12 Q When you file for bankruptcy, you can</p> <p>13 reaffirm a debt. You acknowledge that the debt</p> <p>14 exists and will continue, and you have the option to</p> <p>15 do that with certain debts I think by checking a box</p> <p>16 on a form.</p> <p>17 Do you recall -- and I think the records</p> <p>18 reflect that you did not reaffirm your loans.</p> <p>19 A Let me answer like this. I don't believe</p> <p>20 so, but I don't -- I'm under oath, and I don't --</p> <p>21 I'm not a hundred percent sure that -- I don't want</p> <p>22 a box being -- I'm not sure.</p> <p>23 Q That's fine. You're not sure. I</p> <p>24 understand.</p>	<p>1 of 2008.</p> <p>2 Q Who holds your -- the first mortgage on</p> <p>3 your property now, the first Countrywide loan?</p> <p>4 A It was Bank of America, but not right now</p> <p>5 because we had a modification on the first loan just</p> <p>6 recently, and it's Bayview now.</p> <p>7 Q When did you obtain the modification on</p> <p>8 the first loan?</p> <p>9 A Let's see, it's been almost -- they</p> <p>10 contacted us when they took over for Bank of</p> <p>11 America, and that was, I want to say, almost about a</p> <p>12 year ago, give or take a month or so.</p> <p>13 Q And why did you enter into a loan</p> <p>14 modification of your first loan?</p> <p>15 A Why?</p> <p>16 Q Yeah.</p> <p>17 A Because they contacted me and told me</p> <p>18 that, you know, you can do this, this, your payment</p> <p>19 could drop to this. And it'll -- you know, it'll</p> <p>20 work out because Bank of America wasn't doing</p> <p>21 anything.</p> <p>22 Q Did you have any issue with Bayview</p> <p>23 contacting you about bringing you this option of</p> <p>24 modifying your loan?</p>
Page 14	Page 16
<p>1 A Yeah, I'm not --</p> <p>2 MR. BADWAN: Can I rephrase the question,</p> <p>3 or I'll help get to the bottom of the question?</p> <p>4 MR. BLANKENSHIP: Sure.</p> <p>5 MR. BADWAN: Do you recall your bankruptcy</p> <p>6 attorney ever telling you, "Jeff and Kate, if you</p> <p>7 guys sign this, that means you're still on the hook</p> <p>8 for this debt"?</p> <p>9 THE WITNESS: No, I don't.</p> <p>10 MR. BADWAN: It must have been a packet</p> <p>11 about eight to ten pages.</p> <p>12 THE WITNESS: No, I don't. I don't</p> <p>13 remember that.</p> <p>14 BY MR. BLANKENSHIP:</p> <p>15 Q Did you want -- did you want to stay in</p> <p>16 your home at the time you filed for bankruptcy?</p> <p>17 A At the time we were paying the mortgage,</p> <p>18 we were current with the mortgage, and we were</p> <p>19 taking it from there.</p> <p>20 Q Did you want to stay in your home?</p> <p>21 A Yes, I mean . . .</p> <p>22 Q And then you received your discharge on</p> <p>23 September 9, 2008, correct?</p> <p>24 A Correct. Approximately, yes, in September</p>	<p>1 A Did I have an issue with it?</p> <p>2 Q Yeah.</p> <p>3 A No, not at all.</p> <p>4 Q You didn't think that was a violation of</p> <p>5 your discharge order in your bankruptcy?</p> <p>6 A No. They were just trying to help.</p> <p>7 Q Okay. And I'm going to talk about the</p> <p>8 second mortgage, which is the Countrywide mortgage</p> <p>9 that Green Tree now owns.</p> <p>10 A Sure.</p> <p>11 Q You understood when you got your -- filed</p> <p>12 for your bankruptcy and got your discharge that the</p> <p>13 mortgage lien on the property was not affected by</p> <p>14 your bankruptcy, right?</p> <p>15 A Could you rephrase? I'm not sure I --</p> <p>16 Q Sure. Sure. You understood that</p> <p>17 Countrywide could foreclose on the mortgage on your</p> <p>18 property in the event payments were not made on the</p> <p>19 loan notwithstanding the fact that you had gone</p> <p>20 through bankruptcy, correct?</p> <p>21 A Yes.</p> <p>22 Q And you understood that if Countrywide</p> <p>23 pursued foreclosure, it could force you from your</p> <p>24 home, correct?</p>

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1 A On the second?

2 Q Yes.

3 A Yes.

4 Q And you understood at the time you got

5 your discharge that if you did not make regular

6 payments to Countrywide, Countrywide would foreclose

7 on its mortgage lien, correct?

8 A Correct.

9 Q And then after you received your

10 discharge, you continued to make regular payments on

11 your Countrywide loan, correct?

12 A Correct.

13 Q And do those payments run the amount of

14 \$374.59 a month?

15 A I believe that was the amount, yes.

16 Q And you made those payments on your

17 Countrywide loan so Countrywide would not foreclose

18 on its mortgage lien?

19 A I made them on both, yes.

20 Q Okay. Both the --

21 A First and second.

22 Q Second.

23 A So the total payment was \$2,064 or

24 something like that.

Page 18

1 Q Okay. And then the servicing of the

2 second Countrywide loan was transferred to Green

3 Tree. Do you recall that happening?

4 A Yes, I remember it got transferred, and we

5 started getting Green Tree statements instead of the

6 Countrywide.

7 Q Okay. And you then continued to make

8 those regular payments of \$374.59 to Green Tree?

9 A Correct.

10 Q And the loan was transferred to Green Tree

11 in March of 2011. Does that sound right?

12 A You know what, I couldn't tell you when it

13 was transferred.

14 Q Fair enough, okay. Now, in September 2011

15 you made your last payment to Green Tree on the

16 second loan, correct?

17 A September, October, somewhere around

18 there, yes, 2011.

19 Q So you had made regular monthly payments

20 on your second Countrywide loan for approximately

21 three years after the discharge, right?

22 A Correct.

23 Q Okay. And you made those payments so you

24 could stay in your home, right?

Page 19

1 A Correct.

2 Q And you made those payments so Green Tree

3 would not foreclose on its mortgage, correct?

4 A Well, yeah, we made them to stay -- I

5 mean, because we were -- to keep up on our mortgage,

6 yes.

7 Q Yeah. Because you didn't want Green Tree

8 to foreclose, right?

9 A Right.

10 Q Did you stop making payments on your first

11 mortgage at any point?

12 A Same exact time.

13 Q And at that point, had the Countrywide

14 loan been transferred -- the first mortgage been

15 transferred to Bank of America at the time you

16 stopped making payments?

17 A I'm not sure when that mortgage got

18 transferred or anything like that. I couldn't tell

19 you the date.

20 Q Why did you stop making payments on your

21 mortgages after your approximate September 2011

22 payment?

23 A Unfortunately, we had a reduction in

24 income, and I exhausted my savings account. And I

Page 20

1 had to pull my annuity because the \$2,000 a month, I

2 was robbing Peter to pay Paul just to keep afloat.

3 Q What caused the reduction in income?

4 A My wife, she stopped working, you know, a

5 few years back. And we had a savings account that

6 allowed me to keep afloat. You know, when I was

7 short this month, I'd take it, transfer it and was

8 able to keep afloat, you know.

9 Q Okay. And when you stopped making

10 payments on your mortgages, you understood that

11 Green Tree could foreclose on its lien, right?

12 A Yes. I had no choice.

13 Q Okay. Did that bother you?

14 A Did it bother me?

15 Q Yeah.

16 A Well, of course. I have a family.

17 Q But you stayed in the house, correct?

18 A When?

19 Q At the time you stopped making payments to

20 today, you've continued to live in the house, right?

21 A Correct.

22 Q So you've essentially lived in your home

23 for free for the last two years?

24 A It wasn't exactly two years, but I know

Page 21	Page 23
<p>1 what you're getting at, yes.</p> <p>2 Q Since you stopped making payments?</p> <p>3 A While things were being -- yes.</p> <p>4 Q Do you want to keep your home today?</p> <p>5 A Do I want to?</p> <p>6 Q Yeah.</p> <p>7 A Now, yes.</p> <p>8 Q Have you made any efforts to find a new</p> <p>9 place to live?</p> <p>10 A Yes. We were already actually packed up</p> <p>11 and ready to go before Bayview, like I told you,</p> <p>12 approximately a year ago had contacted us saying</p> <p>13 that they took over for Bank of America, and let's</p> <p>14 try to get something done.</p> <p>15 I sold my -- well, I'm not going to</p> <p>16 elaborate, but yeah, we made arrangements.</p> <p>17 Q So when was that? When did you make the</p> <p>18 arrangements to move out?</p> <p>19 A Let's see, they contacted us about</p> <p>20 approximately a year ago, so, you know, a few months</p> <p>21 before that.</p> <p>22 Q So in the late summer of 2012?</p> <p>23 A Approximately.</p> <p>24 Q And then --</p>	<p>1 payment. And Katie mentioned that there are options</p> <p>2 that you can do, but I wasn't interested at that</p> <p>3 point.</p> <p>4 Q Was this before or after you had begun</p> <p>5 discussions with Bayview about the loan modification</p> <p>6 for your first mortgage?</p> <p>7 A This was before.</p> <p>8 Q Did you ever discuss a loan modification</p> <p>9 with anyone at Green Tree?</p> <p>10 A No. Except what I just explained to you,</p> <p>11 that was the only -- and they were the party that</p> <p>12 was suggesting any type of thing like that at that</p> <p>13 point.</p> <p>14 Q Have you considered a loan modification</p> <p>15 with Green Tree?</p> <p>16 A Like, when?</p> <p>17 Q At any time. Have you considered asking</p> <p>18 Green Tree for a loan modification?</p> <p>19 A No, because at that point in time when all</p> <p>20 this was happening, I already wrote -- once I</p> <p>21 stopped paying, and we went through this, I already</p> <p>22 wrote -- I was ready to move out.</p> <p>23 Q Right. But then you did reach a loan</p> <p>24 modification on your first mortgage, and --</p>
Page 22	Page 24
<p>1 A Going back I can't tell you the exact date</p> <p>2 but . . .</p> <p>3 Q That's fine. And then once you made</p> <p>4 arrangements with Bayview to decrease the amount of</p> <p>5 your payments on the first mortgage, you decided to</p> <p>6 stay?</p> <p>7 A Correct.</p> <p>8 Q After you filed for bankruptcy, did you</p> <p>9 ever tell anyone at Green Tree that you wanted to</p> <p>10 stay in your home?</p> <p>11 A No.</p> <p>12 Q Did you ever tell anyone at Green Tree</p> <p>13 that you didn't want Green Tree to foreclose?</p> <p>14 A No.</p> <p>15 Q Did you ever attempt to arrange a payment</p> <p>16 schedule with Green Tree?</p> <p>17 A No. The only time that anything like that</p> <p>18 was discussed was during one of the times that they</p> <p>19 called, and I did happen to answer. And I talked to</p> <p>20 the lady, Katie Ferguson I believe her name was, and</p> <p>21 her supervisor was on the phone at the same time.</p> <p>22 And they were trying to get me to pay something,</p> <p>23 anything at that time, pressuring me that while they</p> <p>24 had me on the phone that they would accept a</p>	<p>1 A This was just -- you know, it just got</p> <p>2 approved. You have to go through a trial thing, and</p> <p>3 then you get your final approval, which that was</p> <p>4 extended by three months, after my three-month</p> <p>5 trial. So this just finished up probably four</p> <p>6 months ago approximately.</p> <p>7 Q But at the time a year ago when you began</p> <p>8 the modification process with Bayview, did you</p> <p>9 consider entering into the same process with Green</p> <p>10 Tree?</p> <p>11 A To be totally honest with you, I wasn't</p> <p>12 sure how anything works with my situation at the</p> <p>13 time, and that didn't even cross my mind at any</p> <p>14 time, really.</p> <p>15 Q Okay. I've shown you what we've marked as</p> <p>16 Exhibit 1, which is your motion. Did you review</p> <p>17 Exhibit 1 before it was filed?</p> <p>18 A I believe so.</p> <p>19 Q And are the statements in Exhibit 1</p> <p>20 truthful and accurate?</p> <p>21 A As far as I know, to the best of my</p> <p>22 knowledge, yes.</p> <p>23 Q Okay. Let's look at paragraph 22, please,</p> <p>24 on page 4.</p>

Page 25

1 A Yes.

2 Q And in that paragraph you say,

3 "Immediately after Debtors stopped paying the

4 subject debt, Green Tree began calling them

5 requesting payment. Green Tree continued to call

6 even after the Debtors advised them of the

7 bankruptcy."

8 And then in the next paragraph,

9 paragraph 23, you state, "After their bankruptcy

10 discharge, in total, Debtors received over one

11 hundred (100) calls from a representative of Green

12 Tree by the name of 'Katie Ferguson' . . . calling

13 from (800)234-7101, to collect upon the subject

14 debt."

15 Do you have any records of any of the

16 calls that you received from Green Tree after your

17 bankruptcy discharge?

18 A Yes.

19 Q What kind of records do you have?

20 A Phone records.

21 Q What specific phone records? Your phone

22 bills do you mean or what kind of phone records are

23 you referring to?

24 A Yes. Our cell phone -- the phones that

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1 were being called.

2 Q And you have those phone bills in your

3 possession?

4 A Yes. I mean, not today.

5 Q Right, I know.

6 A Oh, okay, sorry.

7 Q And aside from your cell phone bills, do

8 you have any other records of phone calls between

9 you or your wife and Green Tree?

10 A As far as -- I'm not understanding. What?

11 Q Do you have any notes of any calls? Did

12 you make any notations about any calls?

13 A Not -- no, not really.

14 Q Well, at all?

15 A I mean, we wrote down that they kept

16 calling daily.

17 Q Okay. And where --

18 A Between what -- you know, figure -- what

19 months and things like that.

20 Q Where did you write that down?

21 A At -- just at home.

22 Q And do you still have those notes?

23 A I'm not sure, to be honest with you. My

24 wife takes care of the paper, I don't.

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1 Q Okay. Aside from the notes you've just

2 referred to and the cell phones, any other --

3 A No, that's pretty much -- that's all.

4 Q Do you have any recordings of any of your

5 telephone calls or voicemails?

6 A No, no.

7 MR. BLANKENSHIP: I know the notes have

8 not been produced, and I don't think the cell phone

9 records have been produced either for this

10 particular party so if you can order that.

11 MR. BADWAN: Yeah. I think those were

12 part of the 137, so I'll look into that.

13 MR. BLANKENSHIP: Now, let's mark this as

14 Modica Exhibit 2, please.

15 (J. Modica Exhibit No. 2

16 marked for identification.)

17 BY MR. BLANKENSHIP:

18 Q Let me show you what we've marked as

19 Modica Exhibit 2. Do you recognize that as your

20 response to Green Tree's interrogatories?

21 A Yes.

22 Q And did you review Exhibit 2 before it was

23 served to Green Tree?

24 A Yes.

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1 Q And are the answers in Exhibit 2 truthful

2 and accurate?

3 A Yes.

4 Q Okay. On the second page -- I'm sorry,

5 No. 6, yeah, on the second page, do you see we ask

6 you for each telephone call, we ask for certain

7 information.

8 And then in your response you say,

9 "Without waiving those objections, Debtors state

10 that from late October 2011 to late May 2012, they

11 received up to 5 calls per day from Katie Ferguson.

12 These calls were placed to Debtor Jeff Modica's cell

13 phone. Debtor Katarzyna Modica also received up to

14 5 calls per day from Ms. Ferguson during the same

15 period."

16 Did you personally receive between one and

17 five calls on each day between late October 2011 and

18 late May 2012 on your cell phone?

19 A I can't say that it's every day, but

20 believe me, it was almost every day, and it was at

21 least once a day, sometimes multiple times a day.

22 That's for sure.

23 Q And those calls would be reflected on the

24 phone bills that you have?

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1 A No, because we bounced calls. She would
2 call every single day. I was at work. I was
3 running a million-dollar job at the time. I would
4 get calls, and I'd see the number, and I'd bounce
5 the call. And, unfortunately, because I tried to,
6 our -- Verizon, it doesn't register when you don't
7 answer the phone call and physically speak to the
8 person. It won't register as -- even if she leaves
9 me a voicemail because she's left multiple
10 voicemails.
11 Q I don't know what you mean by bounced the
12 call.
13 A Hit the button, so it rejects the call.
14 Q Rejects the call?
15 A Goes straight to voicemail.
16 Q And this is on your cell phone?
17 A Yes.
18 Q So you would see a call come in from Green
19 Tree, and did it identify Green Tree as the caller?
20 A No.
21 Q How did you know it was from Green Tree?
22 A I know the number she called so much.
23 Q Okay. And you would not take the call?
24 A Correct.

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1 Q And --
2 A I was at work. Very busy.
3 Q Okay. So what -- you said that your phone
4 records did show calls. What calls are actually
5 shown on the records?
6 A It did register the 50 -- I believe
7 54-minute phone call that I expressed to you
8 earlier. And there was another couple, I believe,
9 that did register because my wife had called them
10 when they had called our neighbor looking for me.
11 Q So the only calls that are reflected on
12 your phone bills --
13 A Are when --
14 Q -- are where you actually had a
15 conversation, correct?
16 A Correct. I believe so, yes.
17 Q Okay. And what numbers did you receive
18 calls from Green Tree on?
19 A 800 numbers. There's one number --
20 Q I'm sorry, your numbers. What number did
21 you --
22 A Oh, I'm sorry.
23 Q That was my fault. What phone number of
24 yours were you getting the calls from Green Tree on?

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1 A (630)625-2000.
2 Q Okay. And what number was your wife
3 getting calls on?
4 A (630)625-2342.
5 Q And do you have a land line?
6 A No.
7 Q And it looks like from the motion,
8 paragraph 23, you allege that the calls came from
9 (800)234-7101. Is that --
10 A I believe that's the number. Off the top
11 of my head --
12 MR. BADWAN: 23. I'm sorry. That's
13 Exhibit 1 and that's Exhibit 2.
14 A If that's written down correctly, yes,
15 then that's the correct number.
16 BY MR. BLANKENSHIP:
17 Q Okay. Now, how many times after your
18 discharge did you personally speak with someone from
19 Green Tree?
20 A It was only a couple times.
21 Q Two times?
22 A I'm under oath, so approximately two
23 times.
24 Q Okay. Do two conversations stand out in

Page 32

1 your head or --
2 A Well, this is between -- me personally?
3 Q Yes, you personally?
4 A I remember the one 54-minute phone call.
5 Q I know your wife had separate calls --
6 A Correct.
7 Q -- but I'm just asking about your calls
8 now.
9 A Yes.
10 Q So you recall one distinct conversation
11 with Green Tree after your bankruptcy?
12 A Correct.
13 Q Okay. Do you recall when that was?
14 A Approximately in December, I believe.
15 Q Okay.
16 A Of 2011.
17 Q And did you take any notes of that
18 conversation?
19 A No, I didn't take any notes.
20 Q Let's look at your motion again,
21 Exhibit 1, and paragraph 27.
22 MR. BADWAN: So next page.
23 A Okay.
24

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1 BY MR. BLANKENSHIP:
2 Q And you allege, "On November 12, 2011,
3 after Green Tree contacted the Debtors' neighbor,
4 the Debtors called Katie Ferguson and spoke to her
5 twice that day"
6 Did you personally speak with Ferguson on
7 November 12, 2011?
8 A I believe that that was the day that my
9 wife had called them.
10 Q Okay. Was that the first time that either
11 you or your wife had spoken with someone at Green
12 Tree?
13 A I believe -- going back, I think -- I want
14 to say one of us spoke with them previously because
15 we -- they were calling before that, you know what I
16 mean.
17 Q Do you have a recollection of that, you
18 personally?
19 A I don't remember a phone conversation, no.
20 I don't remember that far back.
21 Q Okay. Now, I'm going to ask a slightly
22 different question. I asked if you had any
23 conversations with Green Tree, and you've given your
24 answer to that. Now my question is between your

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1 discharge on September 8, 2008, and November 12,
2 2011, did you personally receive calls from Green
3 Tree that may not have ended in a conversation?
4 A Were they calling me?
5 Q Yes.
6 A Yes.
7 Q Okay. And do you know how many calls you
8 received between your discharge and November 12th?
9 A Multiple -- I mean, I can't count
10 obviously. A lot of calls.
11 Q And none of those you answered?
12 A Right. Correct.
13 Q Okay. And --
14 A But she did leave voicemails.
15 Q Well -- and you don't have any notes of
16 where you've transcribed or made a notation of the
17 content of any of those voicemails, correct?
18 A No, but I remember exactly what she says
19 every time.
20 Q Okay. What did she say every time?
21 A Jeff, this is Katie Ferguson from Green
22 Tree. You need to give me a call back at this
23 number. I think she left her extension. It is very
24 important.

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1 Q Okay. And that was the content of each
2 call?
3 A Most of the time, yes.
4 Q Do you recall any voicemails that had a
5 content other than what you've just told me?
6 A Not necessarily, no.
7 Q Okay. And did you ever do anything in
8 response to those voicemails?
9 A As far as?
10 Q Call her back?
11 A The time that I spoke with them.
12 Q Okay. In December?
13 A Right.
14 Q Why didn't you call her back before
15 December if you were getting these calls?
16 A I might have, that's what I said. Going
17 back, I don't recall a specific phone conversation,
18 but I believe that either me and my wife did speak
19 with them at the beginning because that's how we
20 knew they kept calling, they kept calling, kept
21 calling, kept calling.
22 Q Did you think she was calling about the
23 status of your home?
24 A About the status?

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1 Q Yeah.
2 A What do you mean?
3 Q What did you think she was calling about?
4 A To get a payment.
5 Q And you just kind of assumed that from the
6 message?
7 A Well -- or, like I said, either one of us
8 spoke with them previously, and obviously they --
9 during the 54-minute phone conversation, they
10 expressed what they were trying to get.
11 Q We'll get to that one.
12 A Okay.
13 Q I'm just now focused on the voicemails
14 between your discharge and when your wife had that
15 first conversation on November 12th.
16 A Sure, okay.
17 Q So one of you may have called Green Tree,
18 but you don't have any specific -- prior to November
19 12th --
20 A Or answered the phone call.
21 Q Okay. But you don't have any specific
22 recollection of you doing that?
23 A To be honest with you, no. I don't
24 remember a specific conversation with her.

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1 Q Okay. Do you know who initiated, whether
2 your wife initiated the call on November 12th with
3 Green Tree?
4 A What's the question?
5 Q Sure. You've alleged that Green Tree
6 contacted the neighbor. Then the debtors called
7 Katie Ferguson.
8 A Correct.
9 Q And I guess is it your testimony it's your
10 wife who called Katie Ferguson at that time?
11 A Yes.
12 Q Okay. Did you have any discussion with
13 your wife prior to her calling Green Tree?
14 A Oh, yes.
15 Q What was that discussion?
16 A We were flabbergasted that the call was
17 made to our neighbor, and we were upset about it.
18 Q Okay. We'll get to that call in a bit.
19 As of November 12, 2011, did you want to
20 avoid foreclosure on your home?
21 A As of November 12th?
22 Q Yes, the day of this call.
23 A Well, when we stopped paying, we didn't
24 know what was going to -- I was planning on losing

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1 the house.
2 Q Did you ever respond to any of the
3 voicemails to tell Green Tree, you know, "Stop
4 calling. We don't want the house. I've planned to
5 lose the house," anything to that effect?
6 A No.
7 Q Were you present when your wife called
8 Green Tree?
9 A I don't believe so.
10 Q Okay. And did your wife tell you about
11 her call with Green Tree?
12 A Not specifics. She --
13 Q What did she tell you generally?
14 A That she called them and let them know
15 that they shouldn't be calling our neighbors.
16 Q Okay. And there was -- you allege there
17 was a second call on November 12th. Was that also
18 your wife? It says and spoke to her twice --
19 "... Debtors called Katie Ferguson and spoke to
20 her twice that day"
21 A Yes. You would probably -- to get the
22 details on this phone conversation, because it was
23 my wife, she would know a lot more than I would.
24 Q That's fine. I just want to make sure you

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1 weren't the person that made the second call on
2 November 12th.
3 A I don't believe so, no.
4 Q Okay. Then move down to paragraph 30
5 where you allege, "After the calls continued, and
6 more than a month after the Debtors personally
7 advised Green Tree of their bankruptcy, on
8 December 20, 2011, the Debtors once again returned
9 Katie Ferguson's voicemail to notify her of their
10 bankruptcy."
11 Is that the call that you had with Green
12 Tree on November 20, 2011?
13 A I believe so. That's probably the
14 54-minute phone conversation.
15 Q Okay. So that -- so the call on
16 December 20th was the first conversation that you've
17 had with Green Tree after your bankruptcy discharge?
18 A I believe so.
19 Q And am I correct to assume you had
20 received voicemails from Katie Ferguson between
21 November 12, 2011, and when you had the conversation
22 on December 20, 2011?
23 A Correct.
24 Q What prompted you to call -- did you call

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1 on --
2 A I don't know if I happened to answer the
3 phone when they called or I called them back. I
4 can't recall that. I can -- the phone records will
5 show it, though.
6 Q Okay.
7 A Like, I don't know if they called me three
8 times that day and I called them back, or I just,
9 like I said, happened to answer the phone when they
10 made another call.
11 Q So you personally spoke with Ms. Ferguson
12 on December 20, 2011, right?
13 A Correct.
14 Q Was anyone else on the line besides you
15 and her?
16 A No. I'm on a cell phone.
17 Q So it was just the two of you on the call?
18 A I believe so, unless someone was on her
19 end.
20 Q Where were you at when you had the call?
21 A I believe I was home.
22 Q Do you know what time the call was?
23 A It was in the evening probably because I
24 work, so it was probably in the evening after, say,

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1 5:00.
2 Q Okay. 5:45?
3 A I'm guessing. I mean --
4 Q How about 5:45, does that sound about
5 right?
6 A Right. It could be, yes.
7 Q And that call lasted about an hour?
8 A I believe 54 minutes.
9 Q And you don't know if you called or they
10 called you, but why did you choose to speak with
11 Green Tree on December 20, 2011?
12 A Well, after every phone call every day
13 bothering me at work, bothering my wife, I don't
14 know at that point, like I said, if I happened --
15 like, "Hello," or if I called them to, you know,
16 talk with them and see what's the chaos about.
17 Q And when you refer to the --
18 MR. BLANKENSHIP: I'm sorry, can you read
19 back the answer?
20 (Answer read as requested.)
21 BY MR. BLANKENSHIP:
22 Q When you testified about them bothering
23 you and making phone calls, you're referring to the
24 voicemails asking you to call them back, correct?

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1 A Correct.
2 Q Okay. During this call on December 20,
3 2011, what did you say to Ferguson and what did she
4 say to you?
5 A During the phone conversation?
6 Q Yes.
7 A All is I remember is her trying to get a
8 payment, and I believe she said if I made a couple
9 payments, that would -- that would help out.
10 And then when she was pressuring me to
11 make a payment and I couldn't, she -- I don't -- it
12 was her supervisor, I'm assuming, but a man got on
13 the phone, and he started asking me questions and to
14 the effect -- the thing that stands out, because I
15 was agitated at the time, was when he was asking me
16 what am I doing with all of my money because of not
17 paying.
18 At that point I told him the phone
19 conversation's over, and I hung up.
20 Q Okay. So at some point during the call
21 you were transferred to a manager?
22 A Yes.
23 Q And Ferguson was off the line?
24 A Correct.

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1 Q How long did the portion of the call with
2 Ferguson last?
3 A I couldn't honestly tell you that amount
4 of -- duration of time.
5 Q And, likewise, you can't tell me how long
6 the portion with the manager lasted?
7 A Exact minutes, I have -- it was a
8 54-minute phone conversation. I couldn't tell you
9 if I was on the -- I couldn't tell you honestly.
10 Q Do you remember anything else that was
11 said during this 54-minute phone conversation other
12 than what you've already told me?
13 A As far as?
14 Q Anything that anyone said. I mean, this
15 was a pretty long call, and you've told me in about
16 20 seconds what was said.
17 A Well, it was her explaining to me.
18 Q What did she explain to you?
19 A Any kind of payment I could make. She
20 probably did it ten different ways.
21 Q Did she explain why she wanted you to make
22 a payment?
23 A I don't recall. Obviously because I
24 haven't been paying, I would assume.

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1 Q Did she ask you if you wanted to stay in
2 the house, if it was your intent to keep the house?
3 A Yeah. I said no. Our bankruptcy
4 discharged the loan.
5 Q Well, I understand bankruptcy discharging
6 the loan, but did she ask you if you wanted to stay
7 in the house?
8 A I believe so.
9 Q Okay. And what did you tell her?
10 A No.
11 Q At what point in the conversation did you
12 tell her that you didn't want to stay in the house?
13 A I can't -- like I said, I can't recall. I
14 mean, that was a long time ago. I can't recall the
15 duration or when something was said. I mean, the
16 phone conversation was probably recorded on their
17 end. You can probably get the details. I know, you
18 know, like what I told you we talked about, that I
19 do know.
20 Q What prompted you to -- the transfer to
21 the manager?
22 A I didn't prompt it.
23 Q Yeah, but what --
24 A She did.

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<p>1 Q But what was said immediately before you 2 were transferred to the manager? 3 A I -- like I said, I don't -- I couldn't 4 tell you exactly what was said. I didn't take any 5 notes on the exact phone call at the time. I do 6 remember that once she was trying to get me to make 7 the payments and explaining to me what type of 8 payments, at that point after she was done doing 9 that is when she had him, I guess, get on the phone. 10 Q Did you tell Ferguson or the manager that 11 you were interested in a loan modification? 12 A No. 13 Q Did anyone raise the issue of a loan 14 modification during this call? 15 A That's when I talked -- as I told you 16 earlier, that's when they talked about you have 17 options. So I listened. I listened to their 18 options because I'm a courteous person. 19 And at that point when he started asking 20 me the questions and offending me, I told him the 21 phone conversation was over, and I hung up the 22 phone. 23 Q Did either Ferguson or the manager tell 24 you that you needed to make a payment to avoid</p>	<p>1 your home? 2 A No. I understood it as trying to collect 3 payment at the time because they were so adamant 4 that I can make a payment by credit card. I can 5 make -- they wanted a payment, that was for sure. 6 Q And that was so you could stay in your 7 home, right? 8 A I don't know if it was to try to -- I 9 don't know what their intention at that point was. 10 Q Do you recall anything else other than 11 what you've told me so far about your call with 12 Green Tree on December 20, 2011? 13 A I mean, as far as? 14 Q Whether either you said or what Ferguson 15 said or what her manager said. 16 A I believe that's -- that was the gist of 17 everything that was talked about. 18 Q Okay. And you don't have any notes or 19 recordings or other records of the call on 20 December 20th? 21 A We didn't record anything. We were -- 22 Q And you didn't make any notes? 23 A No, not that I recall making any notes. 24 As far as what was said, no.</p>
Page 46	Page 48
<p>1 foreclosure? 2 A I believe so, but I don't -- I believe 3 they did. I can't be a hundred percent sure. 4 Q Did you tell them that you would make a 5 payment when you could? 6 A I don't recall. 7 Q And did you tell them that you wanted to 8 avoid foreclosure or words to that effect? 9 A I don't believe so. 10 Q You were transferred to the manager, and 11 tell me again specifically as best you can recall 12 his exact words what he said that you found 13 offensive. 14 A Well, I found offensive when he was 15 questioning where all my money was going when you 16 haven't been paying on our loan, and what are you 17 doing with your money? 18 Q Okay. 19 A Which, like I said in that point in time, 20 I told him that's none of your business what I'm 21 going through right now. And I told him this phone 22 conversation is over, and I hung up the phone. 23 Q Did you understand from the phone call 24 that Green Tree was trying to help you to stay in</p>	<p>1 Q Other than December 20, 2011, were there 2 any other times that you personally spoke with a 3 representative of Green Tree? 4 A Other than December? After December? 5 Q Well, let's start with after December, 6 yeah. 7 A I don't believe so. 8 Q Okay. And then prior to December 20th -- 9 between the discharge and December 20th, do you 10 recall any other conversations that you had 11 personally with someone at Green Tree? 12 A Like I said, I don't remember a specific 13 conversation, but we may have had contact -- I may 14 have spoke with them before that. 15 Q But the only conversation you actually -- 16 A That sticks -- 17 Q Let me finish. The only conversation you 18 actually remember between the discharge and today 19 that you had with Green Tree was on December 20, 20 2011? 21 A Yes. That's the specific conversation 22 that stands out. 23 Q Okay. Let's look at paragraph 25 of 24 your -- of Exhibit 1 where you allege, "Katie</p>

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<p>1 Ferguson also called both of the Debtors' parents 2 inquiring about the Debtors in order to collect upon 3 the subject debt." 4 What are the names of the parents whom 5 Green Tree called? 6 A Margaret and Joe Pangallo are my parents. 7 Q And did they call Katie's parents as well? 8 A Correct. I believe. 9 Q What's the name? 10 A I believe it's her mom, which would be 11 Halina Kuzianik. 12 Q So was it Pangallo? 13 A Yeah, Pangallo. 14 Q Do you know how many times someone at 15 Green Tree called Margaret Pangallo? 16 A I don't recall an exact amount. I know 17 that they did leave a message on their voice 18 recording machine. 19 Q Do you know what that message said? 20 A I believe it was looking for Jeff, and it 21 was Katie Ferguson from Green Tree. 22 Q Do you recall anything else from that 23 voicemail? 24 A I don't. It wasn't my voicemail, so I</p>	<p>1 Q Have you ever spoken to Halina about the 2 calls from Green Tree? 3 A Personally? 4 Q Yes. 5 A No. 6 Q I'd have to ask your wife about that? 7 A Sure. Exactly. 8 Q All right. And you're not aware of any 9 notes that your mother may have taken from that 10 phone call that currently exist? 11 A To be honest with you, no. 12 Q Okay. 13 A I don't even think she took a note. I 14 mean, she might have written something down for me 15 on a piece of paper, but as far as her taking notes 16 on the phone call, I don't believe so. 17 Q Your parents knew about your bankruptcy? 18 A No. 19 Q They never knew? 20 A No. 21 Q Did your parents ask why Green Tree was 22 calling you? 23 A Did they ask why? 24 Q Yes.</p>
Page 50	Page 52
<p>1 don't. 2 Q Did you actually hear that voicemail? 3 A No, I didn't. 4 Q So did your mother tell you the contents 5 of the voicemail? 6 A She had told me that they called, left a 7 message, and I believe she wrote down maybe her name 8 and number or something. 9 Q Okay. Did your mother tell you anything 10 else about that call? 11 A No. That was pretty much it, I believe. 12 Q And do you recall any other calls to your 13 parents, being told about any other calls to your 14 parents other than the one you've just referred to? 15 A There might have been another one. I'm 16 not sure how many times they called, but I know it 17 was at least once with a voice machine recording. 18 Q And the gist of each of the messages was 19 we're looking for Jeff. Please have him call us, 20 something like that? 21 A Correct. 22 Q Okay. And do you know how many times 23 Green Tree called Halina? 24 A That I don't.</p>	<p>1 A Yeah. 2 Q What did you tell them? 3 A I told them we were going through a rough 4 time, and we'd talk to them about it later. 5 Q Did you talk to them about it later? 6 A Eventually, yes, we had to because that's 7 where we were moving if -- obviously, you know -- 8 Q If the -- if you had hadn't been able -- 9 A If we had to move, when we were getting 10 ready. 11 Q -- to modify your -- 12 A Right. 13 Q If you hadn't been able to modify your 14 original loan -- 15 A Correct. 16 Q -- you were going to move in with your 17 parents? 18 A Correct. 19 Q Okay. Paragraph 26 you allege, "In 20 November 2011, Katie Ferguson called the Debtors' 21 neighbor inquiring about the Debtors in order to 22 collect upon the subject debt." 23 What's the name of the neighbor that was 24 called?</p>

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1 A Donna and Scott Birmingham.
2 Q Do you know what their phone number was?
3 A What their phone number, home phone
4 number?
5 Q Yeah.
6 A No, offhand I don't.
7 Q The number that Green Tree called?
8 A Yeah, I have no idea.
9 Q Okay. How do you know that Green Tree
10 called the Birminghams?
11 A Because Donna came over and spoke with my
12 wife about it.
13 Q Did you speak with Donna about the call?
14 A No.
15 Q Or Scott did you say?
16 A No.
17 Q So the only thing you know about this call
18 is what your wife then told you, correct?
19 A Correct.
20 Q And what did your wife tell you about
21 Green Tree's calls to Birmingham? Was there more
22 than one call?
23 A I don't -- I'm not sure. I can't answer
24 that question.

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1 Q What did your wife tell you about the call
2 that Green Tree made to the Birminghams?
3 A Well, that they were calling our neighbors
4 looking for us.
5 Q Anything else?
6 A No. That's pretty much it.
7 Q Okay. Are you aware of any notes or any
8 other documentation of the call from Green Tree to
9 Birmingham?
10 A I'm not aware.
11 Q Are you aware of any other calls that
12 Green Tree made to any of your other neighbors?
13 A I am not aware.
14 Q Are you aware of Green Tree calling anyone
15 other than you, Birmingham, your parents or Katie's
16 parents, you and Katie regarding your house?
17 A No.
18 Q Okay. Paragraph 35 you allege,
19 "Thereafter, a representative of Green Tree sent a
20 large intimidating man to visit the Debtors at the
21 subject property, who rang their doorbell, spoke to
22 them about their ability to pay the subject debt,
23 and stood in the doorway until the Debtors advised
24 him that they understood he was seeking to collect

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1 upon the subject debt and would take that into
2 consideration, as well as call Green Tree to discuss
3 payment of the subject debt."
4 Did you personally speak with this man who
5 visited?
6 A No. I was at work.
7 Q And are you aware of any notes that exist
8 or other documentation regarding this conversation
9 that your wife had with this representative of Green
10 Tree?
11 A Yes.
12 Q What?
13 A A document that he actually handed over to
14 my wife.
15 Q What was that document?
16 THE WITNESS: Do you have the document
17 here?
18 MR. BADWAN: We'll produce that.
19 THE WITNESS: We do have a document that
20 he handed over to my wife.
21 BY MR. BLANKENSHIP:
22 Q That still exists?
23 A I'm not sure exactly off the top of my
24 head what it states, but it does exist. We have a

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1 copy, and they have a copy.
2 MR. BADWAN: I'll produce it.
3 BY MR. BLANKENSHIP:
4 Q Okay. And what did your wife tell you
5 about this conversation with the person from Green
6 Tree?
7 A That they came over to the house while she
8 was at home with the kids, and my father-in-law was
9 there with them, happened to be there at the time.
10 Q Okay. Did she tell you anything else
11 about the visitor from Green Tree?
12 A Basically she told me about the visit.
13 The guy came over, handed the papers, said that I
14 needed to call them on this issue right away, and
15 that's what I recall from that.
16 Q And you didn't call Green Tree after that?
17 A Let's see. That was around -- I don't
18 believe so.
19 Q Was this visit after your December 20,
20 2011, phone call with Green Tree?
21 A Yes.
22 Q Do you know --
23 A Yes, it was.
24 Q Do you know when it was?

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1 A It was in approximately in, I want to say,
2 March of 2011. That's me putting my best -- I mean,
3 I'm not sure of the exact day, date. You know, it
4 was approximately March 2011, though.
5 Q When did you last receive a phone call
6 from Green Tree?
7 A I want to say April, around April.
8 Q Of?
9 A 2011 when all the calls stopped. They
10 totally stopped calling if I remember correctly.
11 Can I back up for a second?
12 Q Yes. Sure.
13 A That is -- they just contacted me a month
14 ago regarding -- sorry. The lady told me that
15 because we modified the second one, they hold the
16 lien on the first one. She was sending me paperwork
17 or something like that. And that was the last time
18 Green Tree contacted me.
19 Q Okay. I --
20 A Nothing to do with, I don't think, you
21 know, as far as the phone calls that Katie Ferguson,
22 I don't know -- to this day, I still have the packet
23 at home. I'm not sure what I'm going to -- what to
24 do with it.

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1 Q And I'm a little confused, because I think
2 you used first and second in a way I don't
3 understand. The first mortgage is the one that you
4 have modified, correct?
5 A Correct.
6 Q Green Tree was the second?
7 A Correct.
8 Q So Green Tree contacted you and said what?
9 A Well, you asked me when was the last time
10 I had contact with them.
11 Q Yeah.
12 A Regarding the Katie Ferguson phone calls
13 was, like I said, I believe April the phone calls
14 stopped.
15 Q Of 2011?
16 A But I actually just got contacted, I told
17 you about --
18 MR. BADWAN: Don't discuss anything we
19 talked about.
20 THE WITNESS: Okay.
21 BY MR. BLANKENSHIP:
22 Q Let me just back up because I want to make
23 sure I understand. Your last phone call with --
24 from Katie Ferguson was in April 2011 or so,

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1 correct?
2 A Correct.
3 Q And very --
4 A No, no, no. The last time they were
5 calling --
6 Q Right.
7 A -- was in April, yes.
8 Q The last time Green Tree was calling was
9 in April 2011?
10 A Correct.
11 Q But about a month ago you were contacted
12 by Green Tree, correct?
13 A Correct.
14 Q And tell me again what that was about.
15 A Okay.
16 Q Was it a phone call?
17 A Yes. It was a phone call, a message, and
18 she left a message. I returned her phone call.
19 Q And what was the message?
20 A The message was -- there was a different
21 lady obviously, and she said to give her a call
22 back. She left a phone number and extension.
23 Q And you called her back?
24 A I called her back, and she explained that

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1 you modified your first mortgage, and we are sending
2 you a packet. I believe it was a 2MP. Does that
3 sound --
4 Q It's whatever. Go ahead.
5 A And I'm not -- she sent out the packet,
6 and I still have it.
7 Q And did that packet relate to a proposed
8 modification for your second mortgage?
9 A What she said it was an extinguishment.
10 Q Extinguishment. Of your second mortgage?
11 A I'm guessing, yeah, because that's who
12 Green Tree . . .
13 Q Okay.
14 A It was -- it must be through the HAMP
15 program that we modified because I see it had the
16 HAMP on top of the paper.
17 Q In paragraph 36 you allege that,
18 ". . . Debtors suffered damages from Green Tree's
19 actions. . . ."
20 What damages have you suffered as a result
21 of Green Tree's phone calls which you contend
22 violate the discharge order?
23 A Well, having to explain not on our own
24 terms to our neighbors, our family, and just going

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1 through the aggravation of getting bothered day in
2 and day out at work, at home, in the evening,
3 whatever we were doing at the time when we were
4 going through enough.
5 Q Okay. When you mean aggravation, that
6 means getting a phone call and pressing the button
7 to reject the call?
8 A No, aggravation of being harassed by
9 numerous phone calls and just --
10 Q But --
11 A The phone conversation that I had with the
12 supervisor I'm assuming.
13 Q But the phone calls, you rejected all of
14 them. You didn't actually accept any of the phone
15 calls, correct? That's what we're talking --
16 A What about the 54-minute phone
17 conversation?
18 Q All right. Which you may have called or
19 they may have called you. You're not sure, right?
20 A Right.
21 Q Okay. Put that one aside. Let's talk
22 about all the other phone calls that you contend
23 were happening daily, sometimes multiple times a
24 day.

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1 A Yes.
2 Q The aggravation of that consisted of you
3 getting a call and seeing it was from Green Tree and
4 pressing a button to reject the call, correct?
5 A No. It was listening to messages during
6 meetings at work because she would leave the
7 voicemails, that I told you, things of that nature
8 constantly.
9 Q And the voicemails all lasted just a few
10 seconds, correct?
11 A Correct.
12 Q Have you seen any counselor or
13 psychological, medical professional regarding the
14 effects of Green Tree's calls on you?
15 A No, I haven't.
16 Q When you say you had to explain it to your
17 neighbors, what neighbor did you have to explain to?
18 A The ones that they called.
19 Q And that's just Donna Birmingham?
20 A Correct.
21 Q Did you actually explain anything to Donna
22 Birmingham?
23 A No. My wife actually talked to her.
24 Q So you haven't actually had to explain

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1 anything to any neighbors, correct?
2 A No. At a later time we discussed it
3 another time, and they were aware because obviously
4 they knew at that point.
5 Q What did you discuss with them, the
6 Birminghams?
7 A What was going on with the house. Just
8 what was going on with the house and the situation.
9 Q Okay. Tell me exactly what you -- when
10 was this conversation you're referring to now?
11 A It was after that it happened. I couldn't
12 tell you, like I said.
13 Q And what did you talk about with regard to
14 the house and what was happening? What did you tell
15 them?
16 A Well, we told them regarding the phone
17 call the reason being is because of we were going
18 through a tough time, and we were possibly losing
19 the house, in long story short.
20 Q Are you out of pocket any money as a
21 result of Green Tree's phone calls?
22 A As far as -- could you rephrase? Like --
23 Q Yeah. Have you lost -- did you suffer any
24 monetary damages as a result of Green Tree's phone

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1 calls?
2 A No. I mean . . .
3 Q And how did your parents react when you
4 explained to them what was going on with Green Tree?
5 A As far as the phone call or . . .
6 Q Well, yeah. You've said that part of your
7 damages was having to explain to your parents what
8 was going on. And I'm trying to understand -- you
9 explained your situation that you might lose your
10 house, right?
11 A Correct.
12 Q And that wasn't Green Tree's fault that
13 you might lose your house, correct?
14 A Correct.
15 Q So any stress related to possibly losing
16 your house wasn't as a result of Green Tree's
17 actions, correct?
18 A Correct.
19 Q And you explained to your parents that you
20 might lose your house, correct?
21 A Yep.
22 Q And did that upset them?
23 A Obviously I'm sure they were a little
24 upset, I mean . . .

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<p>1 Q Well, compared to your losing your house 2 and the emotional impact of losing your house, how 3 did the emotional impact of Green Tree's phone calls 4 compare? 5 A Well, because it made you feel -- after 6 the -- when someone was telling you what are you 7 doing with your money when you're struggling, it's 8 pretty rough. I mean, you're not at a good point as 9 it is, and I mean, I don't know if you -- it was a 10 bad time, and that made it worse. That's all I 11 could say about that. I don't know how to explain 12 it. 13 Q And I guess I'm trying to understand how 14 much it made it worse. It's pretty bad that you're 15 going to lose your house, right? I mean, that's 16 very difficult for you to go through, losing your 17 house? 18 A Correct. 19 Q And how much worse was it made by the 20 virtue of your one phone conversation with Green 21 Tree? 22 A Are you asking me a scale? 23 Q Yeah. 24 A I couldn't tell you. I mean, what do you</p>	<p>1 A They called one time, which I answered. 2 They explained everything to me. They told me about 3 the documents I would need to submit, and that was 4 it. They told -- once we submitted them, they said 5 three months we will get back to you. 6 Q Did they ask you for payment on this phone 7 call? 8 A No. 9 Q They just told you you may be eligible for 10 loan modification? 11 A Correct. 12 Q Okay. When Green Tree called and you 13 talked to them, would they always ask for payment? 14 MR. BLANKENSHIP: Well, objection, lack of 15 foundation. There's only been one actual 16 conversation he had with Green Tree. So if you're 17 going to ask questions about phone calls, please be 18 specific. 19 BY MR. BADWAN: 20 Q Well, I'm trying to get the relative tone 21 of the two conversations that you've had with 22 Bayview and the one you had with Green Tree. I 23 believe it was Katie Ferguson you testified? 24 A Correct.</p>
Page 66	Page 68
<p>1 want? How do I answer that? 2 Q I don't know. I'm trying to understand 3 the relative emotional suffering that you went 4 through. 5 A I mean, that's like saying you're down 6 then someone kicks you, how -- I couldn't answer 7 that. I'm sorry, I don't know how to . . . 8 MR. BLANKENSHIP: Okay. I don't think I 9 have any other questions for you. 10 MR. BADWAN: Okay. Do you mind if I ask 11 questions? 12 MR. BLANKENSHIP: Sure. 13 CROSS-EXAMINATION 14 BY MR. BADWAN: 15 Q Mr. Modica, you testified earlier that 16 Bayview reached out to you for a loan modification. 17 Could you please explain how they reached out to 18 you? 19 A A phone call. 20 Q Okay. Now, did -- were they calling three 21 to five times a day? 22 A No. 23 Q How many times did they call, 24 approximately?</p>	<p>1 Q Describe the difference of the nature of 2 the call and the tone of the call. So start with 3 Bayview, the tone and nature of the call. Was it 4 unfriendly, friendly? So do you understand the 5 question or should I rephrase? 6 A I do. It was obviously totally different 7 as I told you what the content of the voicemails 8 were when she was telling me I need to call her 9 back. 10 Bayview was trying to -- they reached out 11 to me, which was surprising, and just told me my 12 options of a modification and what I need to do to 13 accomplish that. 14 Q Did they -- did Bayview ask you why you 15 haven't been paying your loan? 16 A No, not at all. 17 Q And Bayview only called you once, correct? 18 A Correct. 19 Q You indicated that you defaulted on both 20 loans when your wife stopped working. Why did she 21 stop working? 22 A We have two small children. 23 Q So she stayed at home with them? 24 A Correct.</p>

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1 Q To the best of your knowledge, did Green
2 Tree ever foreclose on you? Did they ever file a
3 lawsuit to foreclose on the property?
4 A I don't believe so.
5 Q Do you remember the closing on the house
6 where you signed the papers to purchase the home?
7 A Originally?
8 Q Yes.
9 A Vaguely, not very well.
10 Q Well, let's focus on Green Tree's second
11 mortgage. Was your wife with you when you took out
12 that loan?
13 A I believe so.
14 Q Okay. Now, were those loans both obtained
15 at the same time, which is the loans of 80/20, so
16 that they both funded the initial purchase, or was
17 that a home equity line with Green Tree?
18 A No. I know what you're trying to get at.
19 They were separate. There was a first and a second.
20 Q Now, was your wife liable on the note, and
21 I want to explain what that means. Was she there
22 with you when you took that loan out?
23 A The second?
24 Q Yes, the Green Tree.

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1 A I believe so.
2 Q She was there; she signed papers?
3 A I -- I don't recall if she actually signed
4 the papers, but she was there.
5 Q Did she provide her number to Green Tree?
6 A I don't believe so. I'm not a hundred
7 percent sure. I don't see why she would.
8 Q Now, in the conversation you had with
9 Katie Ferguson in December of 2011, did you ever
10 tell Katie or her supervisor, or who you assumed to
11 be a supervisor, that you want to stay in the home?
12 A No.
13 Q You never gave them intent, I'll do what
14 it takes or anything like that?
15 A I do not believe so.
16 Q How did it make you feel when they were
17 calling third parties, by third parties I mean your
18 neighbor and your parents? Let's start with your
19 neighbor. She called your wife you testified
20 earlier. Presumably when your wife told you, how
21 did that make you feel?
22 A As I told him, not good. I mean, you
23 feel -- like I said, the whole situation was already
24 hard.

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1 Q Did you kind of feel it was an invasion of
2 privacy in any way?
3 MR. BLANKENSHIP: Objection, form of the
4 question.
5 BY MR. BADWAN:
6 Q Were you scared people were going to find
7 out about your financial situation?
8 MR. BLANKENSHIP: Same objection.
9 BY MR. BADWAN:
10 Q Did you find the calls to be harassing?
11 A Yes.
12 Q Why did you find them to be harassing? If
13 you didn't answer the phones, why did you find them
14 to be harassing?
15 A As I told him, I was called almost every
16 day. I was at work. You know, I was running a job,
17 which is stressful enough. My phone is ringing
18 already a lot, and that adds to it.
19 Q When you talked to Katie Ferguson on
20 December 20, 2011, did Katie ever acknowledge the
21 bankruptcy filing?
22 A When I talked to Green Tree, December?
23 Q December 20th, that was the long call I
24 believe, the 54-minute call?

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1 A Right.
2 Q Did they say, "Mr. Modica, you filed for
3 bankruptcy. You're not liable for this debt.
4 However, we still have a lien. We may have
5 something to work out with you"?
6 A I don't believe so.
7 Q Did you ever tell them you filed for
8 bankruptcy?
9 A I believe so, yes.
10 Q And how did they respond to that?
11 A As I said, I'm not sure the exact -- I
12 don't know what they said after that as far as the
13 exact phone conversation.
14 Q But they would request payment after you
15 told them?
16 A Correct.
17 Q When you took out the loan with Green
18 Tree, did you give them your neighbor's number?
19 A No.
20 Q Did you give them your parents' number?
21 A No, I don't believe so.
22 Q So you never gave them Margaret Pangallo's
23 number?
24 A I don't believe so, no.

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1 Q Or Halina Kuzianik?

2 A Kuzianik. I don't believe so, no.

3 Q Did you ever give them Donna or Scott

4 Birmingham's number?

5 A No.

6 Q Do you have any idea how they would have

7 gotten those numbers?

8 A I don't have a clue. I mean . . .

9 Q Now, you testified earlier that you were

10 already struggling through a financial hardship, and

11 this added more stress. How did the supervisor by

12 him telling you, "What are you doing with your

13 money?" make you feel?

14 A Not good.

15 Q Almost made you feel like a dead beat?

16 MR. BLANKENSHIP: Objection, form of the

17 question.

18 A Like a loser, like you're not doing what

19 you're supposed to be doing when that's not the type

20 of person I am, I mean, just to begin with.

21 BY MR. BADWAN:

22 Q Why do you think they called your

23 neighbor?

24 MR. BLANKENSHIP: Object to the form of

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1 the question.

2 MR. BADWAN: What's wrong with the form?

3 MR. BLANKENSHIP: Speculation. There's no

4 foundation he knows why -- no reason to think he

5 would know why they called his neighbor. He's

6 guessing.

7 BY MR. BADWAN:

8 Q Why would you guess they called your

9 neighbor?

10 MR. BLANKENSHIP: Object to the form of

11 the question. Now you're asking him to guess.

12 BY MR. BADWAN:

13 Q Now, you were on the -- you were talking

14 to Katie Ferguson for a while. At what point did

15 she transfer you to her what you thought would be a

16 supervisor? Tell us more about that. I mean,

17 something must have happened that she would need

18 someone else to come on the line. Do you recall why

19 it was transferred?

20 A I believe -- like I said, I don't remember

21 the length of the phone conversation between the

22 supervisor split time with Katie Ferguson. But I do

23 remember that she was trying to get me to make a

24 payment. And once she probably realized that I

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1 wasn't making a payment no matter what is when he

2 came on the line.

3 Q Do you recall if you had to approximate

4 how long you were on the phone with Katie as opposed

5 to the supervisor? Just an approximation. If you

6 can recall. If you don't recall --

7 A I have to be honest with you, I cannot

8 approximate because I don't remember.

9 Q Was he more aggressive than Katie, the

10 supervisor?

11 A Yes. I would say yes.

12 Q And what would you base that on?

13 A I base that on the questions he asked me.

14 Q Okay. Could you, if you can remember what

15 questions he asked, could you please repeat those?

16 A Well, as I told him, he was asking me what

17 I did with my money the whole time; that I should

18 have the money to make a payment because I haven't

19 been paying.

20 Q Did you tell the supervisor that you filed

21 bankruptcy?

22 A Yes.

23 Q What was his response?

24 A I don't remember his exact response as far

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1 as his exact words.

2 Q All right. You testified earlier that the

3 last call was in April 2011?

4 A Approximately.

5 Q However, you also testified that you

6 reviewed these pleadings, and it said that the long

7 conversation with Katie Ferguson was on December 20,

8 2011. Were you perhaps mistaken when you said April

9 of 2011? Should it have been 2012?

10 A Oh, I'm sorry. Possibly, yes.

11 Q Okay. So that conversation with Katie

12 Ferguson definitely happened after April 2011?

13 A Wait. I'm confused.

14 Q So at one point you were asked if you

15 reviewed these pleadings, and you said, yes, you

16 did. And you were asked if they seemed accurate?

17 A Correct.

18 Q You said, yes, they were accurate. But at

19 one point you said that the last call you received

20 from Green Tree was April 2011. However, the call

21 with Katie Ferguson is December 2011. So --

22 A April 2012.

23 Q So you meant April 2012?

24 A Yeah, sorry.

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1 Q Are you sure about that?

2 A Yes.

3 Q So that was just a mistake?

4 A Yes.

5 Q It was just a calculation, okay.

6 MR. BLANKENSHIP: That's what I understood

7 you to mean.

8 MR. BADWAN: Oh, okay.

9 MR. BLANKENSHIP: I mean, they continued

10 after December 2011.

11 MR. BADWAN: I just wanted to clarify

12 that.

13 MR. BLANKENSHIP: No, no, I'm glad you

14 did. I didn't catch it myself.

15 THE WITNESS: All these dates. I'm trying

16 to do my best to --

17 MR. BADWAN: Yeah. No, absolutely. It

18 was a couple years ago, so we understand. We just

19 wanted to clarify that.

20 BY MR. BADWAN:

21 Q And then they called you again you said a

22 couple months ago?

23 A On the other, as I explained to him, yes.

24 It was not the same lady that was calling, though.

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1 Q Was your wife frustrated by the calls?

2 Did she express frustration or anger?

3 A Of course.

4 Q Did it ever cause any strain between you

5 and her?

6 A Of course.

7 Q Please elaborate on that.

8 A Well, just having to discuss it on top of

9 everything else at the time is stressful. Spending

10 time when we have children and other things that

11 needs our time, spending any amount of time on

12 things of that nature to me is stressful.

13 Q Was it almost a reminder that you were

14 getting kicked out of your house?

15 A Well, for sure. Every time I saw the

16 phone number, call my phone it was a reminder.

17 Q And it was the same number every time?

18 A Yes.

19 Q And Ms. Ferguson would always -- she would

20 always state her name in the voicemails that she

21 would leave?

22 A Yes.

23 Q And would she leave a voicemail on every

24 single call?

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1 A I can't say every single call. I would

2 say 90 percent of them, yes.

3 Q Now, that -- back to the December

4 conversation with Katie Ferguson, from what you

5 recall, that was probably one of the only times you

6 actually spoke to someone with Green Tree, correct?

7 A That I recall that sticks out, yes.

8 Q Did she tell you the call was being

9 recorded?

10 A I believe -- I believe so. I'm not a

11 hundred percent, but I believe so.

12 Q Now, let's talk about the man that came to

13 your house. You were not -- you testified you were

14 not home, correct?

15 A Correct. I was at work.

16 Q When did your wife tell you this man came

17 to your house, was it when you got home, was it --

18 did she call you?

19 A It was either I would imagine when I got

20 home, or she called after it happened.

21 Q What was her reaction to a man coming to

22 your house?

23 A Well, at first I was obviously upset and

24 mad.

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1 Q What was her reaction from what you can --

2 you know, you know your wife. You guys have been

3 married for a while.

4 A I think she was startled. I mean, she's

5 there with the kids. She was a little startled, and

6 then obviously intimidated I would say. She didn't

7 know obviously when he was coming up to the door --

8 you know, she didn't know what was going on or what

9 his intention was or -- you know.

10 Q Did the large intimidating man ever ask

11 your wife, "Are you guys staying here for a while?

12 What's your intent?"

13 MR. BLANKENSHIP: Objection, calls for

14 speculation. He wasn't there.

15 BY MR. BADWAN:

16 Q Did your wife tell you? Did your wife

17 tell you that the intimidating man, as she described

18 it, did he ask what your intent was with the house?

19 A I can't be for sure what she told -- or

20 what he told her as far --

21 Q Well, do you remember what she told you he

22 told her?

23 MR. BLANKENSHIP: I just object to

24 hearsay.

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1 MR. BADWAN: Lacks a little evidence,
2 okay.
3 BY MR. BADWAN:
4 Q Outside of Katie Ferguson, anyone else --
5 and the supervisor, anyone else ever leave
6 voicemails -- or outside of Katie Ferguson, the
7 intimidating -- or the supervisor never left
8 voicemails. It was always Katie Ferguson?
9 A Yes.
10 Q So it's almost like you always had this
11 Katie Ferguson lady, nobody else, correct?
12 A Correct.
13 Q What did you tell -- or do you know what
14 your wife told your neighbor why Green Tree is
15 calling for them?
16 MR. BLANKENSHIP: Objection, calls for
17 speculation.
18 BY MR. BADWAN:
19 Q Did your wife tell you what she told your
20 neighbor as to why Green Tree was calling?
21 A Not --
22 MR. BLANKENSHIP: Objection, hearsay.
23 MR. BADWAN: What is -- what's wrong with
24 that? Hearsay?

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1 MR. BLANKENSHIP: If his wife was telling
2 him what she --
3 BY MR. BADWAN:
4 Q Obviously a neighbor comes to your wife
5 and says, hey -- or what your wife told you, someone
6 from Green Tree called. Would that be accurate?
7 A Yes.
8 Q Did your wife ever tell you how she
9 responded to why?
10 A Specifics? I don't recall specifics the
11 conversation of what she told me she talked to her
12 about.
13 Q Do you know what your wife told her mom
14 when they called her why they were calling? Did you
15 guys ever have a conversation about that?
16 A Specifically, no. I mean, I don't know
17 exactly what my wife said to -- I couldn't answer
18 that honestly because I don't know a hundred
19 percent.
20 Q Now, I want to make something clear. You
21 never told Green Tree you want to stay in the house.
22 Would that be accurate?
23 A That would be accurate.
24 Q Did Green Tree send you a loan

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1 modification package like Bayview did?
2 A I don't believe so.
3 Q Where it said if you make these three
4 payments, we're going to make your loan current?
5 A I don't believe so.
6 Q And you stated that Bayview called one
7 time, correct?
8 A Correct.
9 Q Why did you pick up that call?
10 A Because I answered the phone call. I
11 didn't -- it was -- I didn't know the number, and I
12 answer my phone.
13 Q Okay. And do you remember how long that
14 Bayview call lasted for?
15 A The initial call?
16 Q Yeah.
17 A I would -- to the minute, obviously not,
18 but I would assume -- I remember when I was talking
19 to them what job I was at, and approximately I would
20 say 15 minutes.
21 Q And the tone was different between the
22 Bayview calls and the Green Tree calls?
23 A Obviously, yes.
24 Q In what ways were they different?

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1 MR. BLANKENSHIP: Asked and answered.
2 BY MR. BADWAN:
3 Q Have you done any research on -- did you
4 ever go on Google and put "Green Tree, continuous
5 calls" or anything? Did you ever look into this
6 matter why they were calling, why Green Tree was
7 calling you so many times? Did you ever kind of
8 investigate what's going on here, and why are they
9 calling so much?
10 A Actually, yes.
11 Q Tell me more about that.
12 A I went on the computer and just did a
13 search of this type of situation and found that -- I
14 found other people who was going through the same
15 thing.
16 Q So kind of same exact thing?
17 A Right.
18 Q Kind of same person calling them
19 continuously?
20 A Correct.
21 MR. BLANKENSHIP: I object to the form of
22 the question. I object to him testifying as to what
23 his Internet searches may have shown as hearsay, and
24 I'm not quite sure why you're wasting time in a

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1 deposition with this. But he can answer your
2 questions.
3 BY MR. BADWAN:
4 Q Did your kids ever ask you who that man
5 was that came to the house or your wife if she told
6 you?
7 A I don't recall because I wasn't at that --
8 I wasn't home at that time.
9 Q And how old were your kids at the time if
10 you had to approximate when this large intimidating
11 man showed up to your house?
12 A Approximately two and three.
13 Q And do you remember --
14 MR. BADWAN: I have no further questions.
15 MR. BLANKENSHIP: I just have a couple
16 follow-ups.
17 REDIRECT EXAMINATION
18 BY MR. BLANKENSHIP:
19 Q Did it ever occur to you that Green Tree
20 kept calling because you weren't returning the
21 calls?
22 A No, not necessarily.
23 Q No? If these calls, these voicemails that
24 Katie was leaving you asking her to call her back

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1 were so aggravating to you, why didn't you just call
2 her back and tell her, "Stop calling me"?
3 A Well, that's probably why I answered the
4 phone call on December 20th.
5 Q Okay. Why did it take you from September,
6 October, November, December to finally answer the
7 call and say, "Stop calling me"?
8 A I couldn't answer. I don't know.
9 Q They weren't that aggravating, right?
10 A No, they were pretty aggravating.
11 Q But not aggravating enough for you to pick
12 up the phone, call and say stop calling me until
13 they had been going on for three months, right?
14 A They were aggravating enough.
15 MR. BLANKENSHIP: That's all I have.
16 You have the right to reserve your
17 signature, read the transcript if you want.
18 MR. BADWAN: We'll waive signature.
19 (WITNESS EXCUSED.)
20
21
22
23
24

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1 STATE OF ILLINOIS }
2 COUNTY OF COOK } ss.
3
4 I, DENIELLE P. MATHYS, Certified Shorthand
5 Reporter No. 084-003933, and Notary Public within
6 and for the County of Kane and State of Illinois, do
7 hereby certify that on December 18, 2013, at
8 9:26 a.m., at 150 North Michigan Avenue, Suite 2130,
9 in the City of Chicago, Illinois, the deponent,
10 JEFFREY R. MODICA, personally appeared before me.
11 I further certify that JEFFREY R. MODICA,
12 was by me duly sworn to testify the truth and that
13 the foregoing is a true record of the testimony
14 given by JEFFREY R. MODICA.
15 I further certify that the deposition
16 terminated at 10:51 p.m.
17 I further certify that there were present
18 at the taking of the said deposition the persons and
19 parties as indicated on the appearance page made a
20 part of this deposition transcript.
21 I further certify that the signature of
22 the witness to the foregoing deposition was waived
23 by agreement of counsel; and that I am not counsel
24 for nor in any way related to any of the parties to

Page 88

1 this suit, nor am I in any way interested in the
2 outcome thereof.
3 IN TESTIMONY WHEREOF, I have hereunto set
4 my hand and affixed my notarial seal on this 30th
5 day of December, 2013.
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DENIELLE P. MATHYS, CSR
Notary Public
CSR License No. 084-003933

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EXHIBIT B

In The Matter Of:
In re
Jeffrey R. Modica, et al., Debtors

KATARZYNA A. MODICA
December 18, 2013

Bistany Reporting Service
100 North LaSalle Street
Suite 1600
Chicago, Illinois 60602
e-mail: info@bistanyreporting.com

	I N D E X			
WITNESS EXAMINATION	DX	CX	RDX	RCX
KATARZYNA A. MODICA				
BY MR. BLANKENSHIP	4		59	
BY MR. BADWAN		44		
E X H I B I T S				
DEPOSITION EXHIBITS		FIRST REFERENCE		
J. Modica Exhibit No. 1				7
J. Modica Exhibit No. 2				16

1 KATARZYNA A. MODICA,
2 called as a witness, being first duly sworn, was
3 examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. BLANKENSHIP:
6 Q Will you state your name.
7 A Sure, Katarzyna Modica.
8 MR. BLANKENSHIP: Let the record reflect
9 that this is the deposition of Katarzyna Modica
10 taken pursuant to notice, agreement of the parties,
11 and the applicable Federal and Bankruptcy rules.
12 BY MR. BLANKENSHIP:
13 Q Ms. Modica, my name is Marshall
14 Blankenship. I represent Green Tree. I'm going to
15 be asking you a series of questions about your
16 motion here against Green Tree. Have you ever been
17 deposed before?
18 A No.
19 Q If you don't understand a question, please
20 let me know, and I'll try to rephrase it so you can
21 understand it, okay?
22 A Okay.
23 Q We can't speak at the same time since the
24 court reporter is typing it all down, so I ask that

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<p>1 you let me finish my question before you give your 2 answer, okay? 3 A Okay. 4 Q Okay. If you need to take a break, just 5 let me know, okay? 6 A Okay. 7 Q Do you live with your husband at 240 South 8 Villa Avenue in Addison, Illinois? 9 A Yes. 10 Q What is your birthday? 11 A 7-3-83. 12 Q That makes me feel old. 13 And you're married to Jeff Modica? 14 A Yes. 15 Q How long have you been married? 16 A Eight years. 17 Q You have three sons? 18 A Yes. 19 Q What's your highest level of education? 20 A Some college. 21 Q Where did you go to college? 22 A Sanford-Brown. 23 Q How long did you go? 24 A Two years.</p>	<p>1 Q The motion? 2 A Uh-huh. 3 (J. Modica Exhibit No. 1 4 previously marked for identification.) 5 BY MR. BLANKENSHIP: 6 Q I'm going to show you what we've marked as 7 Exhibit 1. Do you recognize that as the motion that 8 you filed here? 9 A Yes. 10 Q And you looked over that in preparation 11 for today? 12 A Yes. 13 Q Did you look at any other documents in 14 preparation for today? 15 A No. 16 Q Did you speak with anyone in preparation 17 for today? 18 A My husband. 19 Q Anyone else? 20 A No. 21 Q Did you speak with your counsel? 22 A Oh, yes, I spoke with them. 23 Q I don't want to know the contents of your 24 conversation.</p>
Page 6	Page 8
<p>1 Q And when did you finish there? 2 A 2011. 3 Q Okay. Are you presently employed? 4 A No. 5 Q Have you been employed since your 6 Sanford-Brown days? 7 A Yes. 8 Q What was your last job? 9 A Medical assisting at Northwest 10 Rheumatology. 11 Q What period of time did you hold that 12 position? 13 A About a year and a half. 14 Q When was that? 15 A It was from March of 2012 to October of 16 this year. 17 Q What did you do before that? 18 A Stayed at home with the kids. 19 Q Okay. Did you do anything to prepare for 20 this deposition? 21 A Not really, just looked over some 22 paperwork. 23 Q What paperwork did you look over? 24 A The --</p>	<p>1 A Yes, yes, yes. 2 Q And when was that? 3 A Yesterday. 4 Q For how long? 5 A About an hour. 6 Q Now, you moved into the property in 7 Addison in around 2000; is that right? 8 A Yes. 9 Q And are you on the title to the property? 10 A No. 11 Q And I'm trying to short-cut here since I 12 got a lot of this from your husband. 13 A Yes. 14 Q You obtained an initial mortgage for the 15 property from Countrywide? 16 A Yes. 17 Q And were you a signatory on that loan? 18 A No. We weren't married yet so . . . 19 Q Okay. And then when did you get married? 20 A We got married in 2006. 21 Q And then in May of 2008 you obtained a 22 second mortgage from Countrywide? 23 A Yes. 24 Q And that was in the amount of about</p>

Page 9	Page 11
<p>1 \$51,000?</p> <p>2 A Yes.</p> <p>3 Q Were you a signatory on that loan?</p> <p>4 A No.</p> <p>5 Q And then you filed for bankruptcy on</p> <p>6 June 6, 2008?</p> <p>7 A Uh-huh.</p> <p>8 Q Okay. And that was about a month after</p> <p>9 you obtained that second mortgage from Countrywide?</p> <p>10 A I believe so.</p> <p>11 Q Do you recall when you retained the</p> <p>12 Sulaiman Law Group to represent you?</p> <p>13 A Not exactly, maybe a year ago or so, a</p> <p>14 little over a year.</p> <p>15 Q Okay. In the approximately fall of 2012?</p> <p>16 A Yes.</p> <p>17 Q What prompted you to retain them at that</p> <p>18 time?</p> <p>19 A Just searching for options regarding</p> <p>20 foreclosure on the house.</p> <p>21 Q Was someone threatening foreclosure at</p> <p>22 that time?</p> <p>23 A Bank of America was.</p> <p>24 Q And that resulted ultimately in you</p>	<p>1 I think she can --</p> <p>2 MR. BLANKENSHIP: No, I'll do it.</p> <p>3 MR. BADWAN: Okay.</p> <p>4 BY MR. BLANKENSHIP:</p> <p>5 Q You understood that Countrywide could</p> <p>6 still pursue foreclosure of the mortgage in the</p> <p>7 event payments were not made on the mortgage, right?</p> <p>8 A Yes.</p> <p>9 Q And you understood that if Countrywide</p> <p>10 pursued foreclosure, it could force you from your</p> <p>11 home, right?</p> <p>12 A Yes.</p> <p>13 Q And you understood if you continued to</p> <p>14 make regular monthly payments to Countrywide,</p> <p>15 Countrywide would not foreclose?</p> <p>16 A Right.</p> <p>17 Q And then after your discharge, in fact you</p> <p>18 continued to make regular monthly payments of</p> <p>19 approximately \$375 a month on your loan?</p> <p>20 A Yes.</p> <p>21 Q And you made those payments so Green Tree</p> <p>22 would not -- or Countrywide would not foreclose, and</p> <p>23 you could stay in your home?</p> <p>24 A Right.</p>
Page 10	Page 12
<p>1 getting a loan modification of the first mortgage?</p> <p>2 A Yes.</p> <p>3 Q And I understand that just kind of was</p> <p>4 finalized within the last few months?</p> <p>5 A Yes.</p> <p>6 Q At the time you filed for bankruptcy, you</p> <p>7 were current on both of your loans?</p> <p>8 A Yes.</p> <p>9 Q And when you filed for bankruptcy, it was</p> <p>10 your intent to stay in your home?</p> <p>11 A Yes.</p> <p>12 Q And you received your discharge from the</p> <p>13 bankruptcy court on September 9, 2008?</p> <p>14 A Yes.</p> <p>15 Q And you understood that Countrywide's</p> <p>16 mortgage lien on the Addison property was not</p> <p>17 affected by your bankruptcy?</p> <p>18 A I'm not sure.</p> <p>19 MR. BADWAN: Objection. You're asking her</p> <p>20 for a legal conclusion.</p> <p>21 BY MR. BLANKENSHIP:</p> <p>22 Q No, I'm asking for your understanding.</p> <p>23 MR. BLANKENSHIP: Yes, sir. Go ahead.</p> <p>24 MR. BADWAN: Can I rephrase into something</p>	<p>1 Q And you did the same with Bank of</p> <p>2 America --</p> <p>3 A Yes.</p> <p>4 Q -- you made payments on the first mortgage</p> <p>5 every month?</p> <p>6 A Yes.</p> <p>7 Q Do you recall the servicing of the</p> <p>8 Countrywide loan being transferred to Green Tree at</p> <p>9 some point?</p> <p>10 A Yes.</p> <p>11 Q And was that approximately in March of</p> <p>12 2011?</p> <p>13 A Yes.</p> <p>14 Q And you continued to make the regularly</p> <p>15 monthly payments to Green Tree as well, correct?</p> <p>16 A Yes.</p> <p>17 Q And then you made your last monthly</p> <p>18 payment to Green Tree in September of 2011?</p> <p>19 A Yes.</p> <p>20 Q And you also made your last payment to</p> <p>21 Bank of America on the first mortgage?</p> <p>22 A Yes.</p> <p>23 Q Why did you stop making payments on your</p> <p>24 mortgages in September 2011?</p>

Page 13	Page 15
<p>1 A Drastic income reduction.</p> <p>2 Q What was the cause of that?</p> <p>3 A I stopped working full time to stay home</p> <p>4 with the kids.</p> <p>5 Q How much had you been making prior to</p> <p>6 stopping work?</p> <p>7 A About 700 a week.</p> <p>8 Q And when you stopped making the payments,</p> <p>9 did you have an understanding that Green Tree or</p> <p>10 Bank of America could foreclose on their mortgages</p> <p>11 and toss you out of your house?</p> <p>12 A Yes.</p> <p>13 Q Did that trouble you?</p> <p>14 A Yes.</p> <p>15 Q Were you willing to leave your house at</p> <p>16 that point?</p> <p>17 A No.</p> <p>18 Q After you filed for bankruptcy, did you</p> <p>19 ever tell Green Tree that you wanted to stay in your</p> <p>20 home?</p> <p>21 A No, I don't think so.</p> <p>22 Q Did you ever tell Green Tree that you</p> <p>23 didn't want Green Tree to foreclose?</p> <p>24 A I don't think so. I don't believe so.</p>	<p>1 My first question is, do you have any</p> <p>2 records, any documentation, notes, recordings of any</p> <p>3 of the calls that you received from Green Tree?</p> <p>4 A Just the phone -- phone records.</p> <p>5 Q Okay. Your phone -- your cell phone</p> <p>6 bills?</p> <p>7 A Yes.</p> <p>8 Q And those bills would show dates when you</p> <p>9 actually had conversations with someone at Green</p> <p>10 Tree?</p> <p>11 A Yes.</p> <p>12 Q And am I correct in understanding that</p> <p>13 those phone records do not show calls from Green</p> <p>14 Tree that did not result in a conversation?</p> <p>15 A Right.</p> <p>16 Q And if Green Tree left a voicemail, that</p> <p>17 also would not be shown in those phone records?</p> <p>18 A Right.</p> <p>19 Q You don't have any notes of any</p> <p>20 conversations with anyone at Green Tree?</p> <p>21 A No.</p> <p>22 Q And you didn't save any of the voicemails?</p> <p>23 A No.</p> <p>24</p>
Page 14	Page 16
<p>1 Q Did you ever attempt to arrange a payment</p> <p>2 schedule with Green Tree?</p> <p>3 A No.</p> <p>4 Q Did you ever discuss loan modification</p> <p>5 with Green Tree?</p> <p>6 A No.</p> <p>7 Q Okay. I showed you your motion. Did you</p> <p>8 review Exhibit 1 before it was filed?</p> <p>9 A I don't recall.</p> <p>10 Q You looked at it yesterday?</p> <p>11 A Well, I looked at it yesterday, yes.</p> <p>12 Q And are the statements in Exhibit 1</p> <p>13 truthful and correct?</p> <p>14 A Yes.</p> <p>15 Q If you look at paragraph 22, please. You</p> <p>16 state, "Immediately after debtors stopped paying the</p> <p>17 subject debt, Green Tree began calling them</p> <p>18 requesting payment. Green Tree continued to call</p> <p>19 even after the Debtors advised them of the</p> <p>20 bankruptcy.</p> <p>21 After their bankruptcy discharge, in</p> <p>22 total, Debtors received over one hundred (100) calls</p> <p>23 from a representative of Green Tree by the name of</p> <p>24 'Katie Ferguson'."</p>	<p>1 (J. Modica Exhibit No. 2</p> <p>2 previously marked for identification.)</p> <p>3 BY MR. BLANKENSHIP:</p> <p>4 Q Look at what we've previously marked as</p> <p>5 Modica Exhibit 2. Do you recognize that as your</p> <p>6 responses to Green Tree's interrogatories?</p> <p>7 A Yes.</p> <p>8 Q And did you review Exhibit 2 before it was</p> <p>9 finalized and served to Green Tree?</p> <p>10 A Yes.</p> <p>11 Q And are the answers in Exhibit 2 truthful</p> <p>12 and accurate?</p> <p>13 A Yes.</p> <p>14 Q If you look at No. 6 where we ask you for</p> <p>15 various information about telephone calls that you</p> <p>16 contend violate the discharge order, you state about</p> <p>17 halfway down in your response that, "... Debtors</p> <p>18 state that from late October 2011 to late May 2012,</p> <p>19 they received up to 5 calls per day from Katie</p> <p>20 Ferguson."</p> <p>21 Did you -- I'm trying to distinguish</p> <p>22 between what happened to you and what happened to</p> <p>23 your husband. So did you personally receive between</p> <p>24 one and five calls each day between late</p>

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1 October 2011 and late May 2012?

2 A Yes.

3 Q And that was on your cell phone?

4 A Yes.

5 Q And your number for that cell phone was

6 (630)625-2342?

7 A Yes.

8 Q Okay. You don't have any records of those

9 calls, correct?

10 A There's -- there is a record of a couple

11 of phone calls, yes.

12 Q Couple, okay. Do you have any records

13 that show five calls in a single day?

14 A No.

15 Q How many actual phone calls with Green

16 Tree resulted in a conversation between you and

17 Green Tree?

18 A I would -- a handful approximately.

19 Q Six do you think?

20 A Between five and six.

21 Q Five and six. And you don't have a land

22 line at your house?

23 A No.

24 Q Okay. And back to your motion, Exhibit 1,

Page 18

1 paragraph 27 you allege that, "On November 12, 2011,

2 after Green Tree contacted the Debtors' neighbor,

3 the Debtors called Katie Ferguson and spoke to her

4 twice that day."

5 Was it you that called Katie Ferguson

6 twice on November 12, 2011?

7 A Yes.

8 Q Do you recall any conversations between

9 you and Green Tree between your discharge and

10 November 12, 2011?

11 A When the initial calls started, it was my

12 husband who spoke with them.

13 Q Okay. So you didn't have any

14 conversations with Green Tree prior to November 12,

15 2011?

16 A No.

17 Q And you personally spoke with Ferguson on

18 November 12, 2011?

19 A Yes.

20 Q Did you receive any calls from Green Tree

21 between the discharge on September 8th and

22 November 12, 2011, on your cell phone that did not

23 result in a conversation?

24 A Yes.

Page 19

1 Q How many?

2 A Approximately three a day.

3 Q Okay. And did those calls result in

4 voicemails?

5 A A couple, yeah.

6 Q And what was the content of the

7 voicemails, the best you can recall?

8 A She stated her name, where she was calling

9 from, and that it was very important that we give

10 her a call back.

11 Q Anything else?

12 A Uh-uh.

13 Q And did you call back in response to any

14 of those voicemails?

15 A No.

16 Q Why not?

17 A Because my -- we knew -- my husband spoke

18 with her previously, and when three times a day

19 calling each of our phones, we just decided not

20 to -- just to stop answering the phone calls.

21 Q You didn't call back and say -- to any of

22 these voicemails and say, "Please stop calling me"?

23 A My husband did, yes, he did. He spoke

24 with her on a number of occasions. On

Page 20

1 November 12th, I personally called her back.

2 Q So you initiated the first call with

3 Ferguson on November 12, 2011, right?

4 A Yes.

5 Q And was anyone else on the line besides

6 you and Ferguson?

7 A No.

8 Q And was anyone else present with you when

9 you were calling?

10 A No.

11 Q Okay. Do you know what time that first

12 call happened on November 12th?

13 A It was in the morning.

14 Q As of November 12, 2011, did you want to

15 avoid foreclosure on your house?

16 A Did I want to . . .

17 Q Did you want to stay in your house?

18 A Yes.

19 Q How long did that first call on

20 November 12th last?

21 A Two minutes.

22 Q Okay. And why did you call Ferguson?

23 A My neighbor advised me the night before

24 that she had called and left a message on her

Page 21

1 answering machine, and I just wanted to clarify why
2 they were calling my neighbor.
3 Q Okay. Tell me as best you can during that
4 first call on November 12th, the two-minute call,
5 what you said to Ferguson and what she said to you.
6 A Well, I asked her originally why she
7 called my neighbor, and she said, well, we're trying
8 to get ahold of you. And I didn't understand. You
9 know, I tried to explain to her the best I could
10 that I didn't understand how she was calling a
11 neighbor that they didn't know whether I had contact
12 with or not.
13 Q Okay. Do you recall anything else from
14 that first conversation?
15 A Uh-uh.
16 Q Did Ms. Ferguson reply to you when you
17 explained that?
18 A Yeah. She said that they were just trying
19 to get ahold of us, and it was very important.
20 Q And how did that call end?
21 A We just hung up. She said that they're
22 allowed to call whoever they need to call in order
23 to get ahold of the person they're trying to reach,
24 which would be my husband.

Page 22

1 Q Okay. So you had no substantive
2 conversation about the loan itself --
3 A No.
4 Q -- during this call? And did you talk
5 about your bankruptcy at all during this call?
6 A No.
7 Q Was it purely to ask why they were calling
8 your neighbor?
9 A Yes.
10 Q Did the call end hostilely?
11 A I wouldn't say hostilely. I just wanted
12 an explanation of why they were calling people in my
13 neighborhood trying to get ahold of me.
14 Q Did you hang up on Ferguson?
15 A No, I did not hang up on her.
16 Q Did she hang up on you?
17 A No.
18 Q It just ended peacefully?
19 A (Indicating.)
20 Q Okay. And you don't have any notes or
21 recordings or records of the contents of that first
22 call with Ferguson?
23 A I don't have -- no, no, I don't.
24 Q Okay. And did you initiate the second

Page 23

1 call on November 12, 2011, to Ferguson?
2 A Yes.
3 Q And was anyone else on the line for that
4 call?
5 A No.
6 Q And was anyone else present for that call?
7 A No.
8 Q And what time was that call?
9 A In the morning also.
10 Q How long after the first call?
11 A About 20 minutes or so.
12 Q And how long did the second call last?
13 A Nine minutes.
14 Q How do you know that? Is that from your
15 phone records?
16 A It's from my phone records, yes.
17 Q But your phone records show an outgoing
18 call from you to Green Tree?
19 A Yes, yes.
20 Q What was the purpose of the second call?
21 Why did you call the second time?
22 A Because I was advised again that she had
23 called my neighbor again on November 12th.
24 Q Okay. So after the first call you were

Page 24

1 advised again?
2 A Again that she had called again and left a
3 message on my neighbor's answering machine.
4 Q And was this -- okay. Who called to tell
5 you that? Who told you that?
6 A My neighbor. My neighbor.
7 Q And when was that second -- this was a
8 second voicemail that was left for the neighbor?
9 A On the land line -- on the answering
10 machine of her home, yes.
11 Q Okay. And when was that message left with
12 your neighbor, the second one?
13 A On the 12th.
14 Q Did you have an understanding that that
15 voicemail on your neighbor's machine was left after
16 you had called Ferguson the first time?
17 A Yes, it was -- I think it was made after I
18 called her the first time.
19 Q So sometime in that 20 minutes after --
20 A Yes.
21 Q -- you think Ferguson called your neighbor
22 again and left a voicemail?
23 A Uh-huh. Because my neighbor called me and
24 said there is another message on my answering

Page 25	Page 27
<p>1 machine.</p> <p>2 Q Okay. Again, tell me as best you can</p> <p>3 everything you said to Ferguson and she said to you</p> <p>4 during this second call on November 12th.</p> <p>5 A Pretty much the same thing, just wondering</p> <p>6 why she was calling my neighbor asking for</p> <p>7 information in regards to any of my personal things</p> <p>8 that I didn't, you know, talk about with anybody</p> <p>9 else so . . .</p> <p>10 Q What did you understand to be was the</p> <p>11 voicemail that was left for your neighbor, simply</p> <p>12 please have Jeff Modica call me?</p> <p>13 A Yeah. It's very important that you have</p> <p>14 Jeff call me. But I just wanted -- I didn't</p> <p>15 understand how they would call that one neighbor to</p> <p>16 try to get ahold of us not knowing whether we even</p> <p>17 had contact with them or not.</p> <p>18 Q Okay. Did you understand that Green Tree</p> <p>19 was calling your neighbor to try to contact Jeff</p> <p>20 because Jeff and you weren't returning the</p> <p>21 voicemails to Green Tree?</p> <p>22 A Possibly.</p> <p>23 Q During either of the calls on</p> <p>24 November 12th, did you tell Green Tree that you</p>	<p>1 BY MR. BLANKENSHIP:</p> <p>2 Q Bounce the call?</p> <p>3 A Bounce, yes.</p> <p>4 Q You just wouldn't accept the call?</p> <p>5 A Yes.</p> <p>6 Q So you've only had one -- or two</p> <p>7 conversations with Green Tree both that occurred on</p> <p>8 November 12, 2011?</p> <p>9 A Yes.</p> <p>10 Q And both of those were with regard to</p> <p>11 Green Tree leaving a voicemail with your</p> <p>12 neighborhood --</p> <p>13 A Yes.</p> <p>14 Q -- neighbor? I'm sorry.</p> <p>15 A Yes.</p> <p>16 Q When did you last receive a call from</p> <p>17 Green Tree?</p> <p>18 A On my phone or --</p> <p>19 Q Yes. Your phone, yes.</p> <p>20 A November 12th -- or the last call that I</p> <p>21 received that I did not answer?</p> <p>22 Q Right. Not a conversation, but just the</p> <p>23 last time Green Tree called you.</p> <p>24 A I would say April of 2011 -- 12th, I'm</p>
Page 26	Page 28
<p>1 wanted to stay in your house --</p> <p>2 A No.</p> <p>3 Q -- or words to that effect?</p> <p>4 A No.</p> <p>5 Q During either of the phone calls on</p> <p>6 November 12th, did you tell Green Tree that a</p> <p>7 payment would be made on your loan?</p> <p>8 A No.</p> <p>9 Q Do you recall anything else from the</p> <p>10 second conversation on November 12, 2011?</p> <p>11 A No.</p> <p>12 Q And you don't have any notes, recordings,</p> <p>13 or records of that second call?</p> <p>14 A No.</p> <p>15 Q Did you have occasion to speak again with</p> <p>16 a representative of Green Tree?</p> <p>17 A I did not, no.</p> <p>18 Q Did you continue to receive voicemails</p> <p>19 from Green Tree?</p> <p>20 A Yes.</p> <p>21 Q And you just -- when you would get a call</p> <p>22 from Green Tree, would you just -- I forgot the word</p> <p>23 your husband used.</p> <p>24 MR. BADWAN: Bounce.</p>	<p>1 sorry. 2012.</p> <p>2 Q He made the same mistake.</p> <p>3 A I'm sorry. I'm sorry. 2012.</p> <p>4 Q No, that's okay. We made the same mistake</p> <p>5 earlier today.</p> <p>6 A Okay. Okay. Yeah, 2012.</p> <p>7 Q So between November 12, 2011, and</p> <p>8 April 2012 you continued to receive --</p> <p>9 A Yes.</p> <p>10 Q -- voicemails from Ms. Ferguson?</p> <p>11 A Yes.</p> <p>12 Q And were those again on a daily basis?</p> <p>13 A Yes.</p> <p>14 Q Sometimes multiple times a day?</p> <p>15 A Yes.</p> <p>16 Q And you didn't return any of those</p> <p>17 voicemails?</p> <p>18 A No.</p> <p>19 Q And did you ask your husband to return any</p> <p>20 of those voicemails?</p> <p>21 A No.</p> <p>22 Q If you look at paragraph 30, this</p> <p>23 paragraph refers to a conversation with Ferguson on</p> <p>24 December 20, 2011. That was your husband that had</p>

Page 29	Page 31
<p>1 that conversation, correct?</p> <p>2 A Yes.</p> <p>3 Q And you didn't overhear that conversation?</p> <p>4 A No.</p> <p>5 Q Do you know anything that was said during</p> <p>6 that conversation?</p> <p>7 A Just from what he explained to me.</p> <p>8 Q What did your husband explain to you about</p> <p>9 the call that he had with Green Tree on December 20,</p> <p>10 2011?</p> <p>11 A That Katie Ferguson asked for a payment,</p> <p>12 any type of payment. And my husband, while he was</p> <p>13 talking to her, she had put her supervisor on the</p> <p>14 line, and then my husband spoke with her supervisor.</p> <p>15 Q Okay. Do you recall anything else your</p> <p>16 husband told you about that conversation?</p> <p>17 A Regarding -- the supervisor, he had said</p> <p>18 if you have filed for bankruptcy, how come you are</p> <p>19 unable to pay the loan?</p> <p>20 Q Do you recall anything else?</p> <p>21 A No.</p> <p>22 Q What was your husband's demeanor after he</p> <p>23 got off the --</p> <p>24 A Upset.</p>	<p>1 them prior, but just having somebody call you three</p> <p>2 times a day is overwhelming.</p> <p>3 Q But not enough for you to call back and</p> <p>4 say why are you calling me three times a day?</p> <p>5 A After a while, you just -- you know, it's</p> <p>6 very -- it's just overwhelming. At a certain point,</p> <p>7 it just becomes overwhelming to have to answer three</p> <p>8 phone calls every single day from the same person.</p> <p>9 Q But you didn't answer any of the calls.</p> <p>10 You would always bounce them, right?</p> <p>11 A Well, yes, I would.</p> <p>12 Q And just so I'm clear, this was on your</p> <p>13 cell phone, so you always knew when it was ringing.</p> <p>14 It's not like you were not home and then got home to</p> <p>15 a voicemail. You knew the call was coming --</p> <p>16 A Yes.</p> <p>17 Q -- and you chose to ignore it?</p> <p>18 A Yes.</p> <p>19 Q Okay. In paragraph 25 you allege that</p> <p>20 Ms. Ferguson called both of the debtors' parents</p> <p>21 inquiring about the debtors? And who are your</p> <p>22 parents?</p> <p>23 A Halina Kuzianik.</p> <p>24 Q And who are your husband's parents?</p>
Page 30	Page 32
<p>1 Q Describe to me how you concluded that he</p> <p>2 was upset.</p> <p>3 A A lot of things going on and then having</p> <p>4 somebody insult you pretty much.</p> <p>5 Q I'm trying to get -- how did his -- how he</p> <p>6 manifest the fact that he was upset?</p> <p>7 A He told me he was very upset.</p> <p>8 Q Okay. That's what I was looking for.</p> <p>9 A Okay.</p> <p>10 Q How long did he remain upset?</p> <p>11 A Until the next morning.</p> <p>12 Q Did you have any discussions at that time</p> <p>13 about what you should do in response to Green Tree's</p> <p>14 calls?</p> <p>15 A Yes, we did.</p> <p>16 Q What?</p> <p>17 A Just -- you know, we didn't know what to</p> <p>18 do. It was just a lot going on at one time, and</p> <p>19 then having, you know, that hang over your head that</p> <p>20 somebody would call you three times a day to</p> <p>21 collect, you know, it just was very upsetting to us.</p> <p>22 Q Well, you didn't really know why they were</p> <p>23 calling since you didn't return the calls, right?</p> <p>24 A Well, my husband had conversations with</p>	<p>1 A Margaret Pangallo.</p> <p>2 Q How do you know that Green Tree called</p> <p>3 Margaret Pangallo?</p> <p>4 A She wrote down every time that they called</p> <p>5 and let us know with the name, the institution, and</p> <p>6 the phone number.</p> <p>7 Q And did she tell you or do you only know</p> <p>8 because she told Jeff?</p> <p>9 A She told Jeff.</p> <p>10 Q Okay.</p> <p>11 A Yes.</p> <p>12 Q So you haven't had any conversations with</p> <p>13 Margaret Pangallo about the calls from Green Tree to</p> <p>14 her?</p> <p>15 A No.</p> <p>16 Q You only know about those calls from what</p> <p>17 Jeff told you?</p> <p>18 A Uh-huh.</p> <p>19 Q And what he told you is that she would</p> <p>20 write -- she wrote down that Green Tree had called</p> <p>21 and wanted him to call her back?</p> <p>22 A Yes.</p> <p>23 Q How many times did you understand Green</p> <p>24 Tree to have called Margaret Pangallo?</p>

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1 A At least twice.
2 Q Do you know if Jeff called Green Tree back
3 in response to the messages left with Margaret
4 Pangallo?
5 A I don't know.
6 Q And how do you know Green Tree called
7 Halina?
8 A My mom told me, yes.
9 Q How many times did Green Tree call your
10 mom?
11 A At least twice.
12 Q Do you know when those calls were?
13 A I'm not exactly sure.
14 Q Were they before your call with Green Tree
15 on November 12, 2011?
16 A I think it might have been after.
17 Q Okay. And what did Halina tell you
18 that -- did she actually speak with someone from
19 Green Tree --
20 A Yes.
21 Q -- or did she just receive voicemails?
22 A Yes.
23 Q She spoke with them?
24 A Uh-huh.

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1 Q And what did Halina tell you Green Tree
2 had said during her conversations with Green Tree?
3 A That again stated the name; that they were
4 calling from Green Tree; and that it was very
5 important they get ahold of one of us.
6 Q And you didn't call Green Tree in response
7 to any of the conversations your mother had with
8 Green Tree, correct?
9 A No.
10 Q And your husband didn't either, correct?
11 A No.
12 Q Did you have any discussion with your
13 mother about the calls from Green Tree?
14 A Yes.
15 Q What?
16 A She just wanted to know who they were and
17 why they were calling her.
18 Q And what did you tell her?
19 A I just said it's our mortgage, and they're
20 just calling to get ahold of us.
21 Q Okay. Did you tell her you weren't
22 current on your mortgage?
23 A No.
24 Q Did your parents know about the

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1 bankruptcy?
2 A No.
3 Q Did Jeff's parents know about the
4 bankruptcy?
5 A No.
6 Q Did Jeff's parents know that you weren't
7 current on your mortgage?
8 A No.
9 Q Have you seen any documents -- you
10 indicated that Margaret Pangallo would write down
11 who called. Have you actually seen any documents
12 that she -- where she wrote down the calls?
13 A At the time of the calls, yes.
14 Q Okay. Do those documents still exist?
15 A I don't have them.
16 Q Do you know if they still exist?
17 A I don't.
18 Q Okay. And did your mother make any
19 recordings of --
20 A Just the name and the phone number, yes.
21 Q And did she give that to you, those notes
22 to you?
23 A I'm not sure.
24 Q Okay. So you don't know if those notes

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1 still exist either, then?
2 A No, I don't.
3 Q Okay. Now, going back to November 12 --
4 is it November 12th?
5 A Yeah.
6 Q Yeah. -- when Green Tree called your
7 neighbor, that was Donna Birmingham?
8 A Yes.
9 Q And do you know when the first call Green
10 Tree made to Donna Birmingham was?
11 A I believe it was the day before -- it was
12 November 11th.
13 Q November 11th. And the second call to
14 Birmingham was on November --
15 A -- 12th.
16 Q Okay. Did Birmingham actually speak with
17 a representative of Green Tree or were those
18 voicemails?
19 A They were just on her answering machine.
20 Q And she told you again that someone
21 identified themselves as calling from Green Tree.
22 They were trying to get ahold of Jeff and wanted
23 Jeff to call them back?
24 A Yes.

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<p>1 Q And left a phone number?</p> <p>2 A Yes.</p> <p>3 Q Anything else?</p> <p>4 A No.</p> <p>5 Q Do you know if Birmingham took any notes</p> <p>6 or made any records?</p> <p>7 A I don't. I don't.</p> <p>8 Q You're not aware of any notes?</p> <p>9 A No.</p> <p>10 Q Did you have any discussions with</p> <p>11 Birmingham about the calls from Green Tree?</p> <p>12 A No.</p> <p>13 Q Are you aware of any other calls that</p> <p>14 Green Tree made to anyone other than you, Jeff,</p> <p>15 Birmingham, your mom, or Jeff's mom?</p> <p>16 A No.</p> <p>17 Q Okay. In paragraph 35 of Exhibit 1, you</p> <p>18 allege that a representative of Green Tree sent a</p> <p>19 large intimidating man to visit debtors at the</p> <p>20 property. Were you there for that visit?</p> <p>21 A Yes.</p> <p>22 Q When did that happen?</p> <p>23 A March of 2012.</p> <p>24 Q Do you remember the day?</p>	<p>1 brown hair.</p> <p>2 Q How tall?</p> <p>3 A Six-one. He was pretty tall.</p> <p>4 Q How heavy?</p> <p>5 A Oh, I'm so bad with weight. 220 pounds.</p> <p>6 Q Okay. And what was his race?</p> <p>7 A White.</p> <p>8 Q White.</p> <p>9 A He was white.</p> <p>10 Q And he asked if Jeff was home?</p> <p>11 A Yes.</p> <p>12 Q And you said no?</p> <p>13 A Right.</p> <p>14 Q And handed you something?</p> <p>15 A Uh-huh.</p> <p>16 Q And said when Jeff gets home, have him</p> <p>17 call me. It's very important?</p> <p>18 A Uh-huh.</p> <p>19 Q And then he left?</p> <p>20 A Uh-huh.</p> <p>21 Q What did he hand you?</p> <p>22 A A piece of paper.</p> <p>23 Q Do you know what that paper was?</p> <p>24 A I can't recall what it said on it, but</p>
Page 38	Page 40
<p>1 A I don't. I know --</p> <p>2 Q Do you remember early or late March?</p> <p>3 A Early March.</p> <p>4 Q First half of March?</p> <p>5 A Yeah.</p> <p>6 Q And what time of day?</p> <p>7 A Mid-morning.</p> <p>8 Q Like 10 o'clock?</p> <p>9 A Like 11 o'clock-ish, yeah.</p> <p>10 Q And I want you to walk me through what</p> <p>11 happened.</p> <p>12 A Okay. I was in the living room, sitting</p> <p>13 watching TV with my kids, and I saw a pickup truck</p> <p>14 pull into my driveway. So I kept doing what I was</p> <p>15 doing, and then there was -- my doorbell rang, so I</p> <p>16 opened the door, and there was a man standing at the</p> <p>17 door. And he said, "Is Jeffrey home?" I said, "No,</p> <p>18 he's not." He said -- he handed me something and</p> <p>19 said, "This is" -- he gave me a piece of paper and</p> <p>20 said, "When Jeff gets home, you make sure that he</p> <p>21 calls me right away. It's very important." And I</p> <p>22 said, "Okay." And that was it. He left.</p> <p>23 Q Okay. Can you describe the man?</p> <p>24 A Tall, heavier set. He had like a goatee,</p>	<p>1 there was a Green Tree logo on it. It did have my</p> <p>2 husband's name on it and a phone number.</p> <p>3 Q What did you do in response to that?</p> <p>4 A Well, closed the door, and then I called</p> <p>5 my husband and let him know that somebody was here</p> <p>6 looking for him.</p> <p>7 Q And what did he say?</p> <p>8 A Well, he said we'd talk about it when he</p> <p>9 got home from work. He was at work.</p> <p>10 Q And did you talk about it when he got home</p> <p>11 from work?</p> <p>12 A Yes.</p> <p>13 Q What did you talk about it?</p> <p>14 A I just let him know that a man came to the</p> <p>15 house, and I showed him the letter, and that was it.</p> <p>16 Q Do you know if your husband did anything</p> <p>17 in response to getting that letter?</p> <p>18 A I don't.</p> <p>19 Q And you didn't do anything --</p> <p>20 A No.</p> <p>21 Q -- in response to this visit from Green</p> <p>22 Tree?</p> <p>23 A Uh-huh.</p> <p>24 Q You allege that he was intimidating. How</p>

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1 was he intimidating?
2 A I guess tone of his voice.
3 Q What was there about the tone of his voice
4 that you found intimidating?
5 A I would say harsh.
6 Q Was he yelling?
7 A No.
8 Q And you didn't make any notes or records
9 of that visit by this man?
10 A Not -- no.
11 Q Did your children see this man?
12 A Yes.
13 Q How did that happen?
14 A They were in the living room with me, and
15 then when I opened the door, they both -- I was
16 holding my younger one. He was still a baby, and
17 then my other one was by my side.
18 Q How old was he?
19 A Three.
20 Q The man didn't threaten you in any way,
21 though?
22 A No.
23 Q What damages have you personally incurred
24 as a result of Green Tree's phone calls which you

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1 contend violate the discharge order?
2 A It's very upsetting and having to explain
3 your situation to my parents and my neighbor. Just
4 a lot was going on at the time and just very
5 upsetting. Very upsetting.
6 Q I thought you said you didn't actually
7 explain anything to your parents?
8 A Well, they were asking why they were
9 receiving phone calls from somebody that we were
10 dealing with.
11 Q And what did you tell them?
12 A Just that we had some -- you know, some
13 stuff to straighten out. We never revealed what was
14 going on in our personal life.
15 Q And I thought the neighbor you didn't tell
16 anything?
17 A No. We didn't tell her anything. We
18 didn't tell her anything regarding our financial
19 situation or anything like that. Just she was
20 curious as to why people were calling her looking
21 for us.
22 Q You haven't sought any counseling or
23 medical assistance to deal with the emotional
24 ramifications of these calls from Green Tree?

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1 A No.
2 Q Did you experience stress as a result of
3 the fear of losing your house?
4 A Yes.
5 Q How significant was that stress to you?
6 A Significant.
7 Q You never called Green Tree to talk about
8 ways to avoid losing your house, correct?
9 A No.
10 Q Why not?
11 A I don't know. There was, like I said, a
12 lot going on besides receiving multiple phone calls
13 on a daily basis.
14 Q Just so I'm clear, you didn't answer any
15 of those multiple phone calls you received on a
16 daily basis, right?
17 A No.
18 Q And you didn't return any calls in
19 response to any of the voicemails left to you
20 multiple times on a daily basis?
21 A No.
22 Q Even though those calls were very
23 upsetting to you?
24 A Right.

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1 Q You made no effort to contact Green Tree
2 to tell them to stop calling you, right?
3 A Right.
4 MR. BLANKENSHIP: I don't have any other
5 questions.
6 MR. BADWAN: Very briefly.
7 CROSS-EXAMINATION
8 BY MR. BADWAN:
9 Q When you got married to Jeff, he
10 already -- was he already living in the home?
11 A Yes.
12 Q And he obtained the loan for the home, was
13 it before you guys got together so --
14 A We weren't married when he obtained the
15 loan for the house.
16 Q So he signed for the loan alone --
17 A Yes.
18 Q -- for the first and the second mortgage?
19 A Yes.
20 Q Now, did you ever give Green Tree your
21 number?
22 A No.
23 Q Did you ever tell Green Tree that you
24 filed bankruptcy?

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<p>1 A Yes.</p> <p>2 Q Did they -- did they ever tell you you</p> <p>3 need to make a payment?</p> <p>4 A Yes.</p> <p>5 Q And who told you that?</p> <p>6 A Katie Ferguson when she spoke with my</p> <p>7 husband on that December date.</p> <p>8 Q Okay. But did they ever tell you?</p> <p>9 A No.</p> <p>10 Q Okay. When they -- so you never gave them</p> <p>11 your number. Did you ever ask them how they got</p> <p>12 your number?</p> <p>13 A No, I never asked.</p> <p>14 Q And you testified that you never told them</p> <p>15 you have an intent to stay in the home when you</p> <p>16 talked to Katie Ferguson on November 12th?</p> <p>17 A Right.</p> <p>18 Q You simply just told her -- asked her why</p> <p>19 she was calling your neighbor?</p> <p>20 A Yes.</p> <p>21 Q And she responded -- what was her response</p> <p>22 again?</p> <p>23 A That they were just trying to get ahold of</p> <p>24 us because it was very important.</p>	<p>1 Q Were you embarrassed?</p> <p>2 A Yeah, very.</p> <p>3 Q Did you feel like your privacy was</p> <p>4 invaded?</p> <p>5 A Yes, definitely.</p> <p>6 Q Did your call with Katie Ferguson, was</p> <p>7 there a sense of urgency in the sense that did she</p> <p>8 say this is very important. Your husband needs to</p> <p>9 call us immediately?</p> <p>10 A Yes.</p> <p>11 Q Were you receiving mail from Green Tree at</p> <p>12 the time this was all happening?</p> <p>13 A Yes, I was.</p> <p>14 Q And could you please describe the contents</p> <p>15 if you opened -- I don't know if -- they were</p> <p>16 probably addressed to your husband, but did you ever</p> <p>17 read any of those mailings?</p> <p>18 A Yes. They were statements.</p> <p>19 Q Are you still in possession of those?</p> <p>20 A Yes.</p> <p>21 MR. BADWAN: Okay. We'll produce those.</p> <p>22 BY MR. BADWAN:</p> <p>23 Q Now, they were calling you and your</p> <p>24 husband three to five times a day every single day?</p>
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<p>1 Q Did she tell you she was from Green Tree?</p> <p>2 A Yes.</p> <p>3 Q Did she tell you the status of the loan,</p> <p>4 whether it was late or anything like that?</p> <p>5 A No.</p> <p>6 Q And she called -- you testified earlier</p> <p>7 she called your neighbor twice, correct?</p> <p>8 A Twice.</p> <p>9 Q And both times she left voicemails?</p> <p>10 A Yes.</p> <p>11 Q So the first time -- how did you find out</p> <p>12 that they called your neighbor the first time?</p> <p>13 A My neighbor called me and said that she</p> <p>14 stated the name, the institution, and the phone</p> <p>15 number.</p> <p>16 Q Okay. How about the second time?</p> <p>17 A Same.</p> <p>18 Q How did that make you feel?</p> <p>19 A Embarrassed.</p> <p>20 Q Did your neighbor ever ask you, "Do you</p> <p>21 owe people money?"</p> <p>22 A Yes.</p> <p>23 Q How did you respond?</p> <p>24 A I tried to just change the subject.</p>	<p>1 A Every single day.</p> <p>2 Q Including weekends?</p> <p>3 A Yes.</p> <p>4 Q Did that affect your marriage in any way?</p> <p>5 A Yes, it did.</p> <p>6 Q Please elaborate on that.</p> <p>7 A Well, very stressful, a lot of sleepless</p> <p>8 nights. We fought a lot because we were pretty much</p> <p>9 at wit's end. We didn't know what to do. So both</p> <p>10 of our hostilities -- we were arguing a lot.</p> <p>11 Q Was it a constant reminder almost --</p> <p>12 A Pretty much every day.</p> <p>13 Q -- of what's going on?</p> <p>14 A Yeah.</p> <p>15 Q Now, you testified earlier that you didn't</p> <p>16 call them back and say stop calling. Is it because</p> <p>17 you knew why they were calling?</p> <p>18 MR. BLANKENSHIP: Object to the form of</p> <p>19 the question.</p> <p>20 BY MR. BADWAN:</p> <p>21 Q Why did you not call them back?</p> <p>22 A Because -- you know, well, my husband</p> <p>23 spoke with them. It was the same repetitive thing</p> <p>24 every day, so I didn't want to call back and hear it</p>

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<p>1 over and over and over again.</p> <p>2 Q Now, when they called your mother --</p> <p>3 A Uh-huh.</p> <p>4 Q -- how did your mother contact you and let</p> <p>5 you know they called?</p> <p>6 A She called me and said, again, this -- she</p> <p>7 stated the name, where they were calling from, and</p> <p>8 the phone number they left.</p> <p>9 Q When did Green Tree start calling you?</p> <p>10 A Right after we stopped paying.</p> <p>11 Q And you only had -- was it one</p> <p>12 conversation you testified to with Katie Ferguson,</p> <p>13 and that was on November 12th after they called your</p> <p>14 neighbor twice?</p> <p>15 A Yeah, the two-minute phone call and the</p> <p>16 nine-minute phone call.</p> <p>17 Q Did you ever at one point realize they</p> <p>18 shouldn't be calling you?</p> <p>19 A Yes, I did.</p> <p>20 Q And when was that?</p> <p>21 A When they were -- we -- my husband advised</p> <p>22 them that we had filed for bankruptcy so . . .</p> <p>23 Q Did you have to tell your parents about</p> <p>24 your bankruptcy filing?</p>	<p>1 A It was a tan pickup.</p> <p>2 Q And where did he park it?</p> <p>3 A Right in my driveway.</p> <p>4 Q And did he ring the doorbell?</p> <p>5 A Yeah, he rang my doorbell. He rang my</p> <p>6 doorbell.</p> <p>7 Q How many times?</p> <p>8 A Twice.</p> <p>9 Q And you stated that you were there with</p> <p>10 your children --</p> <p>11 A Yes.</p> <p>12 Q -- at that point?</p> <p>13 A Uh-huh.</p> <p>14 Q The two younger ones or was it all three?</p> <p>15 A It was just the two younger ones.</p> <p>16 Q Okay. And when you went to the door, who</p> <p>17 went with you to the door?</p> <p>18 A My kids.</p> <p>19 Q Both of them?</p> <p>20 A Yeah.</p> <p>21 Q Were you carrying one?</p> <p>22 A Yes.</p> <p>23 Q Did it startle your kids?</p> <p>24 A A little bit, yeah.</p>
Page 50	Page 52
<p>1 A I did.</p> <p>2 Q And was it the same day that your mom</p> <p>3 called you and advised you that they called?</p> <p>4 A It was the second time.</p> <p>5 Q How did that make you feel?</p> <p>6 A Embarrassed.</p> <p>7 Q Invasion of privacy?</p> <p>8 A Yes.</p> <p>9 Q Did you ever give Green Tree your mother's</p> <p>10 number?</p> <p>11 A No.</p> <p>12 Q Did your husband ever give them her</p> <p>13 number?</p> <p>14 A No.</p> <p>15 Q Did your husband ever give Green Tree, to</p> <p>16 the best of your knowledge, your neighbor's number?</p> <p>17 A No.</p> <p>18 Q Did your husband ever give them his</p> <p>19 mother's number?</p> <p>20 A No.</p> <p>21 Q All right. You testified that a man,</p> <p>22 about six-one, Caucasian male, about 220 pounds came</p> <p>23 to your house. What kind of vehicle did he approach</p> <p>24 in?</p>	<p>1 Q Did they ask who this man was?</p> <p>2 A My older one did.</p> <p>3 Q How old was he at the time approximately?</p> <p>4 A Three.</p> <p>5 Q And how did you respond?</p> <p>6 A I just said, "Oh, it's somebody for</p> <p>7 Daddy," because I didn't want to elaborate to my</p> <p>8 three-year old son who was at our door.</p> <p>9 Q Did he say he was from Green Tree? I know</p> <p>10 you testified that he gave you a document that had a</p> <p>11 Green Tree logo. Did he say --</p> <p>12 A He didn't state his name or say he was</p> <p>13 from Green Tree, but when he handed me the paper, I</p> <p>14 saw the Green Tree logo on the top of it so . . .</p> <p>15 Q Did you see him inspecting the house in</p> <p>16 any way to see if you guys were still living there?</p> <p>17 A Well, when I had my door opened, he was in</p> <p>18 view of the inside of my house.</p> <p>19 Q Okay. How long would you say your</p> <p>20 interaction with this man lasted for?</p> <p>21 A Three minutes.</p> <p>22 Q What was going through your head at this</p> <p>23 point?</p> <p>24 A Just wondering why there was somebody at</p>

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<p>1 my door to drop off a paper. Kind of shocked that 2 somebody would come to my house to drop off a paper. 3 Q Did it make you feel like you were losing 4 your house? 5 MR. BLANKENSHIP: Object to the form of 6 the question. 7 BY MR. BADWAN: 8 Q Was the foreclosure filed at this point; 9 can you recall? 10 A No. I don't recall. I don't think so. 11 Q Okay. That's fine. If you don't know -- 12 A I'm not sure. 13 Q That's fine. You're not sure? 14 A No, I'm not sure. 15 Q Okay. By this man -- what message did you 16 take in by this man coming? I mean, what was going 17 through your head? Tell us. 18 A I guess aggressive because to send 19 somebody to my house and then to drop off a paper 20 and tell me you better have your husband call when 21 he gets home is kind of -- to me it felt very 22 aggressive. 23 Q Did it make you feel that you need to move 24 soon?</p>	<p>1 Q Did he tell you it was a direct cause of 2 the calls? 3 A Yes. 4 Q Outside the call on November 12th, you 5 never had a call with Katie Ferguson, an actual 6 conversation, correct? 7 A No. 8 Q But she would leave voicemails? 9 A Yes. 10 Q And would it be Katie Ferguson every 11 single time? 12 A Yes. 13 Q Now, let's talk about the long 14 conversation that your husband had with Katie 15 Ferguson on approximately December 20, 2011. Were 16 you home that day? 17 A Yes. 18 Q And can you approximate what time that 19 was? 20 A Late afternoon. 21 Q Okay. What were you doing when this -- 22 were you -- did you see him have this conversation 23 or did he just tell you about it? 24 A No, I saw him have the conversation.</p>
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<p>1 MR. BLANKENSHIP: Object to the form of 2 the question. 3 BY MR. BADWAN: 4 Q Answer the question. 5 A Yes. 6 Q Did you and your husband start -- did you 7 guys start talking about moving out after this man 8 came? 9 A Yeah. 10 Q To the best of your knowledge, did Jeff 11 have to tell his mother why they were receiving the 12 calls? 13 A Yes. 14 Q Why you guys were -- why his mother was 15 receiving calls? 16 A Yes. 17 Q Did he, to the best of your knowledge, 18 have to tell his mom about the bankruptcy? 19 MR. BLANKENSHIP: Well, objection, 20 speculation. 21 BY MR. BADWAN: 22 Q Did he ever tell you that he had told his 23 mom he had filed bankruptcy? 24 A Yes.</p>	<p>1 Q Where were you guys located in your house? 2 A He was in the bedroom, and I was in the 3 laundry room doing laundry. 4 Q Could you hear the conversation? 5 A Yes. 6 Q Tell us about his tone or his demeanor 7 while he was having this conversation. 8 A I guess upset for sure and irritated. 9 Q How long did this conversation last for, 10 if you can approximate? I know it was two years 11 ago. 12 A About an hour. 13 Q What happened when he got off the phone? 14 A He was very upset. 15 Q What did he tell you? 16 A Just that he couldn't believe that, you 17 know, this was happening, and that he was on the 18 phone with them for an hour just explaining 19 everything and them asking for a payment, any kind 20 of payment, when he tried -- you know, he explained 21 to them. 22 And then when the supervisor bluntly told 23 him if you filed bankruptcy, how come you don't have 24 money to pay back the debt?</p>

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<p>1 Q Did he tell you or did you -- I'll 2 start -- did you hear any of the conversation? Was 3 the word "loan modification" ever -- 4 MR. BLANKENSHIP: Object to the form. 5 BY MR. BADWAN: 6 Q Did you hear your husband say the word 7 "loan modification"? 8 A No. 9 Q After he got off the phone, did he say 10 that -- did you guys discuss loan modification and 11 start making payments to Green Tree? 12 A No. 13 Q Did you hear your husband say, "We filed 14 bankruptcy"? 15 A Yes. 16 Q You heard it personally; it's not like he 17 told you? 18 A Yes. 19 Q Did they -- okay. Just describe one last 20 time the overall effect of these phone calls, the 21 large intimidating man. If you had to summarize how 22 it made you feel and how it affected you and your 23 life, in a nutshell, how would you describe it using 24 adjectives?</p>	<p>1 A No. 2 MR. BADWAN: I have no further questions. 3 REDIRECT EXAMINATION 4 BY MR. BLANKENSHIP: 5 Q What was scary about a voicemail that 6 asked you to call them? 7 A Because it was every single day and just 8 the sense of urgency. It was scary to me. We had a 9 lot of stuff going on at the time, not only worrying 10 about my kids, worrying about everyday life. And 11 then I had, on top of all that, to deal with three 12 phone calls a day and a voicemail left every single, 13 you know, time. 14 Q But you weren't scared enough to return 15 any of the voicemails? 16 A No. 17 Q And you weren't scared enough to consult 18 an attorney, consult your bankruptcy attorney, 19 correct? 20 A No. 21 Q And you weren't scared enough to tell your 22 husband to call Green Tree to get them to stop 23 making calls, right? 24 A Not that I recall, no.</p>
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<p>1 A Scared, intimidated, stressed, 2 overwhelmed. 3 Q And you testified that you received a loan 4 modification on the first mortgage, correct? 5 A Yes. 6 Q And were they calling you? 7 A No. 8 Q And were you in default? 9 A Yes. 10 Q So you weren't making payments on either 11 mortgage, but the first mortgage wasn't calling you 12 but Green Tree was? 13 A Right. 14 Q Did you ever speak to a representative 15 with Bayview, which I believe is the servicer that 16 gave the loan modification? 17 A My husband did. 18 Q But they never called you? 19 A No. 20 Q They never called your mother? 21 A No. 22 Q They never called your neighbor? 23 A Uh-uh. 24 Q They never called Jeff's mother?</p>	<p>1 Q Did the stress of possibly losing your 2 house affect your marriage? 3 A Yes. 4 Q Did the stress of losing your house affect 5 your marriage more than the voicemails left by Green 6 Tree? 7 A No. 8 Q You equate -- was the stress caused by the 9 calls from Green Tree greater than the stress of 10 possibly losing your house? 11 A Yes. 12 Q But still you didn't call Green Tree -- 13 A No. 14 Q -- to tell them to stop? 15 You never personally told Green Tree that 16 you had filed for bankruptcy, right? 17 A Personally, no. 18 Q And Green Tree never personally asked you 19 to make a payment, right? 20 A No. 21 Q When your husband was on the phone call 22 with Green Tree on December 20th for approximately 23 an hour, what did you understand them to be talking 24 about for that long a period of time?</p>

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1 A Well, I understood that they were asking
2 for a payment from my --
3 Q Okay. That takes a couple seconds. That
4 doesn't take an hour. What was going on during that
5 hour?
6 A I don't know the content of the call.
7 MR. BADWAN: Calls for speculation. I
8 object.
9 A I don't know.
10 BY MR. BLANKENSHIP:
11 Q What did you hear? What did you hear your
12 husband say during that hour on the phone call?
13 A He just was explaining that -- about that
14 we didn't -- just having to explain to somebody
15 about, you know, if you filed for bankruptcy, how do
16 you not have the money? That's embarrassing. And
17 my husband wanted to clarify that that was out of
18 line on their part to ask something like that.
19 Q Okay. Again, I don't see how that can
20 take an hour. What else did you hear him say during
21 that hour?
22 MR. BADWAN: Objection. She was not a
23 party to the conversation. All she could hear is
24 what her husband was saying.

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1 BY MR. BLANKENSHIP:
2 Q Yeah. That's what I want to know. What
3 did he say for an hour besides, "I filed for
4 bankruptcy"? What else did he say during that hour
5 you heard the call?
6 A I don't -- I wasn't on the phone with him
7 when he was talking to them.
8 Q No. But you were present. You said in
9 response to your attorneys --
10 A I was present but --
11 Q Did you actually hear anything your
12 husband said on that phone call?
13 A I did. I did hear.
14 Q What? What?
15 A He -- about the payment that they were
16 asking for.
17 Q You didn't hear Green Tree say anything,
18 right?
19 A No.
20 Q So what did your husband -- you hear your
21 husband say during that one-hour phone call?
22 A Just about the payment; that we weren't --
23 we didn't -- we weren't paying because we didn't
24 have it, and then he was talking to the supervisor,

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1 whatever they were talking about. And I heard him
2 explain -- asking him why he would ask if we filed
3 for the bankruptcy, why did we not have the money.
4 Q And you don't know what the supervisor
5 was --
6 A No.
7 Q -- actually talking to your husband about?
8 A Uh-huh.
9 Q Were you embarrassed to file bankruptcy?
10 A No.
11 Q And you understand your bankruptcy is a
12 matter of public record, right?
13 A Right.
14 Q But you were embarrassed, then, to tell
15 your parents about the bankruptcy?
16 A Yes, absolutely.
17 Q But the bankruptcy itself didn't embarrass
18 you?
19 A Not really. I mean, explaining to your
20 parents why you had to do something that they have
21 no concern with is embarrassing in itself to have to
22 explain to somebody what your financial situation
23 is.
24 Q And if you had simply returned Green

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1 Tree's phone calls, you never would have had to
2 explain it to your parents, correct?
3 MR. BADWAN: It calls for speculation,
4 objection.
5 BY MR. BLANKENSHIP:
6 Q You can answer. You can answer the
7 question.
8 A Oh, I'm sorry. What was the question
9 again?
10 Q If you had simply returned Green Tree's
11 phone calls beginning in September 2011, you never
12 would have had to explain to your parents anything,
13 right?
14 MR. BADWAN: I reinstate the objection,
15 but you can answer.
16 A Possibly not.
17 MR. BLANKENSHIP: Okay. That's all.
18 Thanks.
19 MR. BADWAN: We are done.
20 THE REPORTER: Signature?
21 MR. BADWAN: We can waive, yeah.
22 (WITNESS EXCUSED.)
23
24

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) ss.
3

4 I, DENIELE P. MATHYS, Certified Shorthand
5 Reporter No. 084-003933, and Notary Public within
6 and for the County of Kane and State of Illinois, do
7 hereby certify that on December 18, 2013, at
8 11:07 a.m., at 150 North Michigan Avenue,
9 Suite 2130, in the City of Chicago, Illinois, the
10 deponent, KATARZYNA A. MODICA, personally appeared
11 before me.

12 I further certify that KATARZYNA A. MODICA
13 was by me duly sworn to testify the truth and that
14 the foregoing is a true record of the testimony
15 given by KATARZYNA A. MODICA.

16 I further certify that the deposition
17 terminated at 12:04 p.m.

18 I further certify that there were present
19 at the taking of the said deposition the persons and
20 parties as indicated on the appearance page made a
21 part of this deposition transcript.

22 I further certify that the signature of
23 the witness to the foregoing deposition was waived
24 by agreement of counsel; and that I am not counsel

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1 for nor in any way related to any of the parties to
2 this suit, nor am I in any way interested in the
3 outcome thereof.

4 IN TESTIMONY WHEREOF, I have hereunto set
5 my hand and affixed my notarial seal on this 30th
6 day of December, 2013.

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DENIELE P. MATHYS, CSR
Notary Public
CSR License No. 084-003933

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EXHIBIT C

Honorable Judge James B. Zagel

6. At the time I received a discharge I was still current on the subject debt.

7. At some point after my discharge, the subject debt was transferred from Countrywide to Green Tree.

8. In September or October of 2011, I stopped making payments to Green Tree because I could no longer afford it, as my wife cease employment to care for our children.

9. After I stopped making payments on the subject debt, Green Tree started placing phone calls to my cellular phone, my wife's cellular phone, my parents' phones, my wife's parents' phones, and my neighbors' phones.

10. Frustrated with Green Tree's calls to my family members and neighbors, on December 20, 2011, I made a call to Green Tree to demand they stop calling our family members and neighbors. In that phone call I told Green Tree that I will not pay them as the debt was included in my bankruptcy and that I do not want the home.

11. I have never provided my cellular phone number to Green Tree or any of its representatives and do not know how Green Tree obtained my cellular phone number.

I affirm under the penalties for perjury, that the following foregoing representations are true.

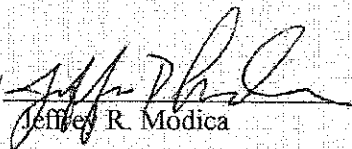
/s/ 
Jeffrey R. Modica

EXHIBIT D

RUN TIME
7/23/13 13:03
PAGE 154

GREEN TREE SERVICING
PROGRAM - COM120
ACCOUNT NUMBER: 89858344 JEFF MODICA REGION: 88
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
7/18/13	13:16:17	DRH	Legal Mail flag has been applied
7/18/13	13:34:43	DRH	Account Review
7/18/13	13:34:43	DRH	OUTCOMES: AR, FOLLOW-UP DATE: 3/19/2013
7/19/13	9:49:48	AREA	Management Review
8/15/12	16:31:17	SVS	AVM Value Added per CIS-1552
7/19/12	15:55:05	SVS	AVM Value Added per CIS-1465
4/26/12	14:33:07	SVS	AVM Value Added per CIS-1245
4/24/12	11:17:28	KEF	Left a message
4/24/12	11:17:28	KEF	Attempted Contact MODICA JEFF, Connected
4/24/12	11:17:28	KEF	To: 6306252342, Origin Of Contact: Outbou
4/24/12	11:17:28	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/23/201
4/24/12	11:17:28	KEF	2 C # 2000 LMOR...C # 2342 NML
4/23/12	16:53:05	KEF	Left a message
4/23/12	16:53:05	KEF	Attempted Contact MODICA JEFF, Connected
4/23/12	16:53:05	KEF	To: 6306252000, Origin Of Contact: Outbou
4/23/12	16:53:05	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/23/12	16:53:05	KEF	2 C # 2000 LMOR
4/20/12	15:28:56	KEF	Left a message
4/20/12	15:28:56	KEF	Attempted Contact MODICA JEFF, Connected
4/20/12	15:28:56	KEF	To: 6306252000, Origin Of Contact: Outbou
4/20/12	15:28:56	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/23/201
4/19/12	15:48:26	KEF	2 C # 2000 LMOR
4/19/12	15:48:26	KEF	No message left
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252342, Origin Of Contact: Outbou
4/19/12	15:48:26	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/19/12	15:48:26	KEF	2 C # 2000 LMOR...C # 2342 NML
4/19/12	15:48:26	KEF	Left a message
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252342, Origin Of Contact: Outbou
4/19/12	15:48:26	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/19/12	15:48:26	KEF	2 C # 2000 LMOR...C # 2342 NML
4/19/12	15:48:26	KEF	Left a message
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252000, Origin Of Contact: Outbou
4/19/12	15:48:26	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/19/12	15:48:26	KEF	2 C # 2000 LMOR
4/19/12	15:48:26	KEF	Left a message
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252000, Origin Of Contact: Outbou
4/19/12	15:48:26	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/19/12	15:48:26	KEF	2 C # 2342 NML...C # 2000 LMOR
4/19/12	15:48:26	KEF	Left a message
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252000, Origin Of Contact: Outbou
4/19/12	15:48:26	KEF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 4/26/201
4/19/12	15:48:26	KEF	2 C # 2342 NML...C # 2000 NML
4/19/12	15:48:26	KEF	Left a message
4/19/12	15:48:26	KEF	Attempted Contact MODICA JEFF, Connected
4/19/12	15:48:26	KEF	To: 6306252342, Origin Of Contact: Outbou

COLLECTION COMMENT LIST

GREEN TREE SERVING

PROGRAM - COR120

ACCOUNT NUMBER: 85852144 JEFF MODICA REGION: 88

DATE	TIME	INITIALS	COMMENTS
4/12/12	18:00:19	KSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/15/201
4/12/12	18:00:19	KSF	2 C # 2000 LMOR...C # 2342 NML
4/12/12	11:20:53	KSF	Left a message
4/12/12	11:20:53	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	11:20:53	KSF	To: 5306252000, Origin Of Contact: Outbou
4/12/12	11:20:53	KSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/15/201
4/12/12	11:20:53	KSF	2 C # 2342 LMOR...C # 2000 NML
4/12/12	11:20:53	KSF	Left a message
4/12/12	9:31:00	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	9:31:00	KSF	To: 5306252000, Origin Of Contact: Outbou
4/12/12	9:31:00	KSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/13/201
4/12/12	9:31:00	KSF	2 C # 2000 LMOR...C # 2342 NML
4/12/12	9:31:00	KSF	Management Review
4/12/12	17:17:31	TU1	OUTCOME: NR, FOLLOW-UP DATE: 4/12/2012 -
4/12/12	17:17:31	TU1	SEC RAW EQUITY ; AVM 5142.171 1ST LHM
4/12/12	17:17:31	TU1	\$177.137.44 BANK OF AMERICA , CRR SHORS
4/12/12	17:17:31	TU1	BE , CALLED BANK OF AMERICA 800-868-583
4/12/12	17:17:31	TU1	3 GV VERBAL PAY OFF AMOUNT
4/12/12	17:17:31	TU1	Left a message
4/12/12	17:16:37	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	17:16:37	KSF	To: 5306252000, Origin Of Contact: Outbou
4/12/12	17:16:37	KSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/12/201
4/12/12	17:16:37	KSF	2 C # 2000 LMOR
4/12/12	17:16:37	KSF	No Message Left
4/12/12	14:22:48	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	14:22:48	KSF	To: 5306252000, Origin Of Contact: Outbou
4/12/12	14:22:48	KSF	nd, OUTCOME: NR, FOLLOW-UP DATE: 4/10/201
4/12/12	14:22:48	KSF	2 C # 2342 NML
4/12/12	14:22:48	KSF	No Message Left
4/12/12	10:46:47	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	10:46:47	KSF	To: 5306252000, Origin Of Contact: Outbou
4/12/12	10:46:47	KSF	nd, OUTCOME: NR, FOLLOW-UP DATE: 4/10/201
4/12/12	10:46:47	KSF	2 C # 2000 NML
4/12/12	10:46:47	KSF	No Message Left
4/12/12	8:52:43	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	8:52:43	KSF	To: 5306252342, Origin Of Contact: Outbou
4/12/12	8:52:43	KSF	nd, OUTCOME: NR, FOLLOW-UP DATE: 4/7/2012
4/12/12	8:52:43	KSF	2 C # 2000 NML...C # 2342 NML
4/12/12	8:52:43	KSF	No Message Left
4/12/12	13:53:23	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	13:53:23	KSF	To: 5306252342, Origin Of Contact: Outbou
4/12/12	13:53:23	KSF	nd, OUTCOME: NR, FOLLOW-UP DATE: 4/5/2012
4/12/12	13:53:23	KSF	2 C # 2000 NML...C # 2342 NML
4/12/12	13:53:23	KSF	Left a message
4/12/12	14:20:01	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	14:20:01	KSF	To: 5306252342, Origin Of Contact: Outbou
4/12/12	14:20:01	KSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/7/2012
4/12/12	14:20:01	KSF	2 C # 2000 LMOR...C # 2342 LMOR
4/12/12	14:20:01	KSF	No Message Left
4/12/12	10:58:31	KSF	Attempted Contact MODICA JEFF, Connected
4/12/12	10:58:31	KSF	To: 5306252000, Origin Of Contact: Outbou

GREEN TREE SERVICING
PROGRAM - COR120

ACCOUNT NUMBER: 9858344 JEFF MODICA REGION: 88
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
4/04/12	10:58:11	KFF	nd, OUTCOME: NM, FOLLOW-UP DATE: 4/5/2012
4/04/12	10:58:11	KFF	C # 2000 LMR
4/03/12	9:28:46	KFF	Left a message
4/03/12	9:28:46	KFF	Attempted Contact MODICA JEFF, Connected
4/03/12	9:28:46	KFF	To: 6306252000, Origin of Contact: Outbou
4/03/12	9:28:46	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/5/2012
4/03/12	9:28:46	KFF	C # 2000 LMR
4/03/12	9:28:46	KFF	No Message Left
4/02/12	18:29:50	KFF	Attempted Contact MODICA JEFF, Connected
4/02/12	18:29:50	KFF	To: 6306252342, Origin of Contact: Outbou
4/02/12	18:29:50	KFF	nd, OUTCOME: NM, FOLLOW-UP DATE: 4/3/2012
4/02/12	18:29:50	KFF	C # 2001 NML...C # 2342 NML
4/02/12	18:21:48	NRI	Management Review
4/02/12	18:21:48	NRI	OUTCOMER: MR, FOLLOW-UP DATE: 4/2/2012 W
4/02/12	18:21:48	NRI	LL BE UP FOR C/O THIS MO CHASS DESIED
4/02/12	15:40:34	KFF	sent to daycare
4/02/12	15:40:34	KFF	OUTCOMER: SR, FOLLOW-UP DATE: 4/2/2012
4/02/12	15:39:53	KFF	Left a message
4/02/12	15:39:53	KFF	Attempted Contact MODICA JEFF, Connected
4/02/12	15:39:53	KFF	To: 6306252342, Origin of Contact: Outbou
4/02/12	15:39:53	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/5/2012
4/02/12	15:39:53	KFF	C # 2000 LMR...C # 2342 LMR
4/02/12	15:39:53	KFF	Left a message
3/31/12	9:38:18	KFF	Attempted Contact MODICA JEFF, Connected
3/31/12	9:38:18	KFF	To: 6306252000, Origin of Contact: Outbou
3/31/12	9:38:18	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/3/2012
3/31/12	9:38:18	KFF	C # 2000 LMR
3/31/12	18:13:08	KFF	Left a message
3/31/12	18:13:08	KFF	Attempted Contact MODICA JEFF, Connected
3/31/12	18:13:08	KFF	To: 6306252342, Origin of Contact: Outbou
3/31/12	18:13:08	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/2/2012
3/31/12	18:13:08	KFF	C # 2000 LMR
3/31/12	18:13:08	KFF	Left a message
3/23/12	15:47:40	KFF	Attempted Contact MODICA JEFF, Connected
3/23/12	15:47:40	KFF	To: 6306252342, Origin of Contact: Outbou
3/23/12	15:47:40	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 4/1/2012
3/23/12	15:47:40	KFF	C # 2000 LMR...C # 2342 LMR
3/23/12	15:47:40	KFF	Left a message
3/23/12	16:04:47	KFF	Attempted Contact MODICA JEFF, Connected
3/23/12	16:04:47	KFF	To: 6306252000, Origin of Contact: Outbou
3/23/12	16:04:47	KFF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/31/201
3/23/12	16:04:47	KFF	2 C # 2000 LMR...C # 2342 LMR
3/23/12	16:04:47	KFF	Account Review
3/23/12	14:01:44	KFF	OUTCOMER: AS, FOLLOW-UP DATE: 3/31/2012
3/23/12	14:01:44	KFF	Management Review
3/23/12	13:25:47	NRI	Management Review
3/23/12	13:25:47	NRI	OUTCOMER: MR, FOLLOW-UP DATE: 3/29/2012 C
3/23/12	13:25:47	NRI	ANCELLED BOER STIP MOD THRU LOSS MIT EVZ
3/23/12	13:25:47	NRI	NT MANAGER
3/23/12	13:25:47	NRI	Management Review
3/23/12	13:25:47	NRI	Connected To: 6306252000, OUTCOMER: MR, FO
3/23/12	11:36:57	NRI	LOW-UP DATE: 3/29/2012 ENLD LOSS MIT TO
3/23/12	11:36:57	NRI	

LIST INMATES COLLECTION COMMENT LIST

REGION: 88

ACCOUNT NUMBER: 89856344 JEFF MODICA

[illegible]

COMMENTS

DATE	TIME	INITIALS	COMMENTS
11/26/97	N01	SEE IF CAN REMOVE ACTIVE BOFA STIP MOD	
9:25:57	KXF	No Message Left	
9:25:57	KXF	Attempted Contact MODICA JEFF, Connected	
9:25:57	KXF	To: 6306252342, Origin Of Contact: Outbun	
9:25:57	KXP	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/29/201	
9:25:57	KXP	2 C # 2000 NMOR....C # 2342 NMU	
9:25:57	KXP	No Message Left	
9:49:08	KXF	Attempted Contact MODICA JEFF, Connected	
9:49:08	KXF	To: 6306252342, Origin Of Contact: Outbun	
9:49:08	KXF	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/28/201	
9:49:08	KXP	2 C # 2000 NMOR....C # 2342 NMU	
9:49:08	KXP	Left a message	
14:06:47	KXP	Attempted Contact MODICA JEFF, Connected	
14:06:47	KXP	To: 6306252342, Origin Of Contact: Outbun	
14:06:47	KXP	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/29/201	
14:06:47	KXP	2 C # 2010 LMOR....C # 2342 NMU	
14:06:47	KXP	Left a message	
14:55:51	KXP	Attempted Contact MODICA JEFF, Connected	
14:55:51	KXP	To: 6306252342, Origin Of Contact: Outbun	
14:55:51	KXP	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/26/201	
14:55:51	KXP	2 C # 2000 LMOR....C # 2342 LMOR	
16:50:55	KXP	Left a message	
16:50:55	KXP	Attempted Contact MODICA JEFF, Connected	
16:50:55	KXP	To: 6306252000, Origin Of Contact: Outbun	
16:50:55	KXP	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/24/201	
16:50:55	KXP	2 C # 2000 LMOR	
17:26:55	KXP	Left a message	
17:26:55	KXP	Attempted Contact MODICA JEFF, Connected	
17:26:55	KXP	To: 6306252000, Origin Of Contact: Outbun	
17:26:55	KXP	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/22/201	
17:26:55	KXP	2 C # 2000 NMOR	
17:26:55	KXP	No Message Left	
15:59:51	KXP	Attempted Contact MODICA JEFF, Connected	
15:59:51	KXP	To: 6306252000, Origin Of Contact: Outbun	
15:59:51	KXP	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/17/201	
15:59:51	KXP	2 C # 2000 NMNG TWICE SOUNDED LIKE SONOQ	
15:59:51	KXP	NE PICKED UP AND DIDN'T SPEAK	
13:16:10	TU1	Management Review	
13:16:10	TU1	CUTBACK; MR FOLLOW-UP DATE: 3/15/2012 N	
13:16:10	TU1	NO AGENT CONTACT	
13:16:10	TU1	AG COLLECT BANK OF AMERICA CRB SHOWS	
13:16:10	TU1	\$77,920	
13:16:10	TU1	AGV VERBA PAY OFF AMOUNT	
13:16:10	TU1	Left a message	
13:16:10	KXP	Attempted Contact MODICA JEFF, Connected	
13:16:10	KXP	To: 6306252342, Origin Of Contact: Outbun	
13:16:10	KXP	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/16/201	
13:16:10	KXP	2 C # 2000 LMOR....C # 2342 LMOR	
13:16:10	KXP	Left a message	
13:16:10	KXP	Attempted Contact MODICA JEFF, Connected	
13:16:10	KXP	To: 6306252000, Origin Of Contact: Outbun	
13:16:10	KXP	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/15/201	
13:16:10	KXP	2 C # 2000 NMOR	

GREEN TREE SERVICING
PROGRAM - COR120
ACCOUNT NUMBER: 89858344 JEFF MODICA REGION: 88
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
3/12/12	11.09.15	KEF	2 C # 2000 LMOR...
3/07/12	9.04.40	KEF	Left a message
3/07/12	9.04.40	KEF	Attempted Contact MODICA JEFF, Connected
3/07/12	9.04.40	KEF	To: 6306252000, Origin Of Contact: Outbou
3/07/12	9.04.40	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/2/2012
3/07/12	9.04.40	KEF	2 C # 2000 LMOR
3/07/12	16.54.53	KEF	No Message Left
3/06/12	15.54.53	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	15.54.53	KEF	To: 6306252342, Origin Of Contact: Outbou
3/06/12	15.54.53	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/2/2012
3/06/12	15.54.53	KEF	2 C # 2000 DID NOT RING...C # 2342 NML
3/06/12	14.49.27	KEF	Left a message
3/06/12	14.49.27	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	14.49.27	KEF	To: 6306252342, Origin Of Contact: Outbou
3/06/12	14.49.27	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/3/2012
3/06/12	14.49.27	KEF	2 C # 2000 NML...C # 2342 LMOR
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252000, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/3/2012
3/06/12	9.05.47	KEF	2 C # 2000 LMOR
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252342, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/3/2012
3/06/12	9.05.47	KEF	2 C # 2000 LMOR...C # 2342 NML
3/06/12	9.05.47	KEF	No Message Left
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252342, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 3/2/2012
3/06/12	9.05.47	KEF	2 C # 2000 NML...C # 2342 NML
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252342, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/4/2012
3/06/12	9.05.47	KEF	2 C # 2000 LMOR...C # 2342 NML
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252000, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/3/2012
3/06/12	9.05.47	KEF	2 C # 2000 LMOR
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252000, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 3/2/2012
3/06/12	9.05.47	KEF	2 C # 2000 VM I.D. BOX, LMOR
3/06/12	9.05.47	KEF	Left a message
3/06/12	9.05.47	KEF	Attempted Contact MODICA JEFF, Connected
3/06/12	9.05.47	KEF	To: 6306252000, Origin Of Contact: Outbou
3/06/12	9.05.47	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 2/28/201
3/06/12	9.05.47	KEF	2 C # 2000 LMOR
3/06/12	9.05.47	KEF	No Message Left

GREEN TREE SERVING
PROGRAM - COR170
COLLECTION COMMENT LIST

ACCOUNT NUMBER: 89858344 JEFF MODICA REGION: 83

DATE	TIME	INITIALS	COMMENTS
2/24/12	10:47:53	KEF	Attempted Contact MODICA JEFF, Connected
2/24/12	10:47:53	KEF	To: 6306252000, Origin Of Contact: Outbou
2/24/12	10:47:53	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/25/201
2/24/12	10:47:53	KEF	2 C # 2000 NML
2/22/12	14:23:14	KEF	Left a message
2/22/12	14:23:14	KEF	Attempted Contact MODICA JEFF, Connected
2/22/12	14:23:14	KEF	To: 6306252000, Origin Of Contact: Outbou
2/22/12	14:23:14	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/25/201
2/22/12	14:23:14	KEF	2 C # 2000 LMOR
2/22/12	14:23:14	KEF	Left a message
2/20/12	11:44:27	KEF	Attempted Contact MODICA JEFF, Connected
2/20/12	11:44:27	KEF	To: 6306252342, Origin Of Contact: Outbou
2/20/12	11:44:27	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/23/201
2/20/12	11:44:27	KEF	2 C # 2000 LMOR...C # 2342 LMOR...((PER
2/20/12	11:44:27	KEF	NOTES)) FAST DATA: HOME: C # 630-350-2
2/20/12	11:44:27	KEF	086 A WOMAN ANSWERED THE PHONE AND SAID
2/20/12	11:44:27	KEF	JEFF DOES NOT LIVE THERE.
2/17/12	8:59:26	KEF	Left a message
2/17/12	8:59:26	KEF	Attempted Contact MODICA JEFF, Connected
2/17/12	8:59:26	KEF	To: 6306252342, Origin Of Contact: Outbou
2/17/12	8:59:26	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/20/201
2/17/12	8:59:26	KEF	2 C # 2000 LMOR...C # 2342 NML
2/16/12	18:51:53	KEF	No Message Left
2/16/12	18:51:53	KEF	Attempted Contact MODICA JEFF, Connected
2/16/12	18:51:53	KEF	To: 6306252342, Origin Of Contact: Outbou
2/16/12	18:51:53	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/17/201
2/16/12	18:51:53	KEF	2 C # 2000 LMOR...C # 2342 NML
2/15/12	9:51:40	TVI	Management Review
2/15/12	9:51:40	TVI	OUTCOME: NM, FOLLOW-UP DATE: 2/18/2012 N
2/15/12	9:51:40	TVI	EG RAW EQUITY : AVM \$142.171 1ST LIEN 9
2/15/12	9:51:40	TVI	177.137.44 BANK OF AMERICA : CER SHORS
2/15/12	9:51:40	TVI	BK : CALLED BANK OF AMERICA 800-569-5233
2/15/12	9:51:40	TVI	GV VERBAL PAY OFF AMOUNT
2/15/12	9:51:40	TVI	Left a message
2/15/12	9:51:40	TVI	Attempted Contact MODICA JEFF, Connected
2/15/12	9:51:40	TVI	To: 6306252000, Origin Of Contact: Outbou
2/15/12	9:51:40	TVI	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/18/201
2/15/12	9:51:40	TVI	2 C # 2000 LMOR
2/15/12	9:51:40	TVI	No Message Left
2/14/12	14:18:13	KEF	Attempted Contact MODICA JEFF, Connected
2/14/12	14:18:13	KEF	To: 6306252342, Origin Of Contact: Outbou
2/14/12	14:18:13	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/15/201
2/14/12	14:18:13	KEF	2 C # 2000 NML...C # 2342 NML
2/14/12	14:18:13	KEF	Left a message
2/14/12	8:38:03	KEF	Attempted Contact MODICA JEFF, Connected
2/14/12	8:38:03	KEF	To: 6306252342, Origin Of Contact: Outbou
2/14/12	8:38:03	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/17/201
2/14/12	8:38:03	KEF	2 C # 2000 LMOR...C # 2342 LMOR...((PER
2/14/12	8:38:03	KEF	NOTES)) FAST DATA: HOME: C # 630-350-2
2/14/12	8:38:03	KEF	086 LMOR...WHITE PAGE SEARCH: NO PHONE N
2/14/12	8:38:03	KEF	UNDER AVAILABLE
2/11/12	8:39:07	KEF	Left a message

GREEN TREE SERVICING
PROGRAM - COR120
ACCOUNT NUMBER: 89858344 JEFF MODICA
COLLECTION COMMENT LIST
REGION: 88

DATE	TIME	INITIALS	COMMENTS
2/11/12	8:39:07	KFF	Attempted Contact MODICA JEFF, Connected
2/11/12	8:39:07	KFF	To: 6306252000, Origin Of Contact: Outbou
2/11/12	8:39:07	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/14/201
2/11/12	8:39:07	KFF	2 C # 2000 LMOR
2/10/12	16:59:54	KFF	No Message Left
2/10/12	16:59:54	KFF	Attempted Contact MODICA JEFF, Connected
2/10/12	16:59:54	KFF	To: 6306252000, Origin Of Contact: Outbou
2/10/12	16:59:54	KFF	nd, OUTCOMES: NM, FOLLOW-UP DATE: 2/11/201
2/10/12	16:59:54	KFF	2 C # 2000 NML
2/10/12	14:11:47	KFF	Left a message
2/10/12	14:11:47	KFF	Attempted Contact MODICA JEFF, Connected
2/10/12	14:11:47	KFF	To: 6306252342, Origin Of Contact: Outbou
2/10/12	14:11:47	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/13/201
2/10/12	14:11:47	KFF	2 C # 2000 F0/HU...C # 2342 LMOR
2/10/12	8:45:56	KFF	Left a message
2/10/12	8:45:56	KFF	Attempted Contact MODICA JEFF, Connected
2/10/12	8:45:56	KFF	To: 6306252000, Origin Of Contact: Outbou
2/10/12	8:45:56	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/13/201
2/10/12	8:45:56	KFF	2 C # 2000 LMOR
2/10/12	8:45:56	KFF	Left a message
2/09/12	14:52:10	KFF	Attempted Contact MODICA JEFF, Connected
2/09/12	14:52:10	KFF	To: 6306252000, Origin Of Contact: Outbou
2/09/12	14:52:10	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/15/201
2/09/12	14:52:10	KFF	2 C # 2000 LMOR
2/09/12	11:40:27	AR2	Left a message
2/09/12	11:40:27	AR2	Attempted Contact MODICA JEFF, Connected
2/09/12	11:40:27	AR2	To: 6306252342, Origin Of Contact: Outbou
2/09/12	11:40:27	AR2	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/11/201
2/09/12	11:40:27	AR2	2 C # 2000 LMOR, C # 2342 LMOR
2/07/12	10:39:20	KFF	Left a message
2/07/12	10:39:20	KFF	Attempted Contact MODICA JEFF, Connected
2/07/12	10:39:20	KFF	To: 6306252342, Origin Of Contact: Outbou
2/07/12	10:39:20	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/8/2012
2/07/12	10:39:20	KFF	C # 2000 LMOR...C # 2342 LMOR
2/07/12	10:39:20	KFF	Left a message
2/06/12	14:29:06	KFF	Attempted Contact MODICA JEFF, Connected
2/06/12	14:29:06	KFF	To: 6306252342, Origin Of Contact: Outbou
2/06/12	14:29:06	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/8/2012
2/06/12	14:29:06	KFF	C # 2000 LMOR...C # 2342 LMOR... (PER N
2/06/12	14:29:06	KFF	OTES) ..FAST DATA: HOME: C # 630-350-20
2/06/12	14:29:06	KFF	86 LMOR... ((PER NOTES)) SEARCH: POSSIB
2/06/12	14:29:06	KFF	LE NEIGHBOR: DOUGLAS DAHLSEN: C # 630-303
2/06/12	14:29:06	KFF	-6419 LMOR
2/06/12	14:29:06	KFF	Left a message
2/03/12	9:01:23	KFF	Attempted Contact MODICA JEFF, Connected
2/03/12	9:01:23	KFF	To: 6306252342, Origin Of Contact: Outbou
2/03/12	9:01:23	KFF	nd, OUTCOMES: LM, FOLLOW-UP DATE: 2/6/2012
2/03/12	9:01:23	KFF	C # 2000 LMOR...C # 2342 LMOR
2/03/12	9:01:23	KFF	No Message Left
2/03/12	15:13:22	KFF	Attempted Contact MODICA JEFF, Connected
2/03/12	15:13:22	KFF	To: 6306252342, Origin Of Contact: Outbou
2/03/12	15:13:22	KFF	nd, OUTCOMES: NM, FOLLOW-UP DATE: 2/3/2012
2/03/12	15:13:22	KFF	

RUN TIME
7/23/13 13:03
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GREEN TREE SERVICING

PROGRAM - COR120

ACCOUNT NUMBER: 09658344 JEFF MODICA REGION: 88

DATE	TIME	INITIALS	COMMENTS
2/02/12	15.19.24	KEF	C # 2000 NML...C # 2342 NML
2/02/12	11.33.21	KEF	Left a message
2/02/12	11.33.21	KEF	Attempted Contact MODICA JEFF, Connected
2/02/12	11.33.21	KEF	To: 6306252342, Origin Of Contact: Outbou
2/02/12	11.33.21	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 2/5/2012
2/02/12	11.33.21	KEF	C # 2000 LMR...C # 2342 LMR
2/02/12	11.33.21	KEF	No Message Left
2/01/12	16.47.54	KEF	Attempted Contact MODICA JEFF, Connected
2/01/12	16.47.54	KEF	To: 6306252000, Origin Of Contact: Outbou
2/01/12	16.47.54	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 2/2/2012
2/01/12	16.47.54	KEF	C # 2000 NML
2/01/12	13.15.17	KEF	Left a message
2/01/12	13.15.17	KEF	Attempted Contact MODICA JEFF, Connected
2/01/12	13.15.17	KEF	To: 6306252000, Origin Of Contact: Outbou
2/01/12	13.15.17	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 2/4/2012
2/01/12	13.15.17	KEF	C # 2000 LMR
1/31/12	16.09.31	SVR	AVM Value Added Per CIS-952
1/31/12	16.01.33	KEF	Left a message
1/31/12	16.01.33	KEF	Attempted Contact MODICA JEFF, Connected
1/31/12	16.01.33	KEF	To: 6306252000, Origin Of Contact: Outbou
1/31/12	16.01.33	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 2/3/2012
1/31/12	16.01.33	KEF	C # 2000 LMR... (PER NOTES) - PAST DAT
1/31/12	16.01.33	KEF	A HOME C # 630-350-2086 A MAN ANSWERED
1/31/12	16.01.33	KEF	THE PHONE SAID HEY DORANT, LIVE THERE.
1/31/12	16.01.33	KEF	I SAID CAN YOU GET A MESSAGE TO HIM KE S
1/31/12	16.01.33	KEF	AND NO. EYE. HUNG UP.
1/31/12	16.01.33	KEF	Left a message
1/30/12	18.30.50	VGD	Attempted Contact MODICA JEFF, Connected
1/30/12	18.30.50	VGD	To: 6306252000, Origin Of Contact: Outbou
1/30/12	18.30.50	VGD	nd, OUTCOME: LM, FOLLOW-UP DATE: 2/2/2012
1/30/12	18.30.50	VGD	T/1630 635-2400 LMRV
1/29/12	15.46.09	KEF	No Message Left
1/29/12	15.46.09	KEF	Attempted Contact MODICA JEFF, Connected
1/29/12	15.46.09	KEF	To: 6306252000, Origin Of Contact: Outbou
1/29/12	15.46.09	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 1/29/201
1/29/12	15.46.09	KEF	2 C # 2000 NML...
1/29/12	15.46.09	KEF	Left a message
1/29/12	15.46.09	KEF	Attempted Contact MODICA JEFF, Connected
1/29/12	15.46.09	KEF	To: 6306252342, Origin Of Contact: Outbou
1/29/12	15.46.09	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/30/201
1/29/12	15.46.09	KEF	2 C # 2000 LMR...C # 2342 LMR... (PR
1/29/12	15.46.09	KEF	R NOTES) - PAST DATA: HOME: C # 630-350
1/29/12	15.46.09	KEF	-2086 LMR
1/29/12	15.46.09	KEF	Left a message
1/29/12	15.46.09	KEF	Attempted Contact MODICA JEFF, Connected
1/29/12	15.46.09	KEF	To: 6306252000, Origin Of Contact: Outbou
1/29/12	15.46.09	KEF	nd, Call Back Permission: Y, Intent to Ret
1/29/12	15.46.09	KEF	ain Collateral: Y, OUTCOME: LM, FOLLOW-UP
1/29/12	15.46.09	KEF	DATE: 1/29/2012 T2000 LMRV T2342 LMRV
1/29/12	15.46.09	KEF	Account Review
1/29/12	15.46.09	KEF	OUTCOME: NR, FOLLOW-UP DATE: 1/29/2012
1/29/12	15.46.09	KEF	Left a message

GREEN TREE SERVICING
PROGRAM - CON120
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
1/23/12	11:57:33	KEF	Attempted Contact MODICA JEFF, Connected
1/23/12	11:57:33	KEF	To: 6306252342, Origin Of Contact: Outbou
1/23/12	11:57:33	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/26/201
1/23/12	11:57:33	KEF	2 C # 2000 LMR...C # 2342 LMR...FAST D
1/23/12	11:57:33	KEF	AVA: HOME: C # 630-350-2086 A WOMAN ANSW
1/23/12	11:57:33	KEF	ERED THE PHONE AND TOOK MESSAGES.
1/23/12	11:57:33	KEF	MOD NOTICE RECEPTION-NOD sent in the las
1/23/12	11:57:33	KEF	t 12 months and still valid
1/23/12	11:57:33	KEF	Left a message
1/23/12	11:57:33	KEF	Attempted Contact MODICA JEFF, Connected
1/23/12	11:57:33	KEF	To: 6306252342, Origin Of Contact: Outbou
1/23/12	11:57:33	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/23/201
1/23/12	11:57:33	KEF	2 C # 2000 LMR, C # 2342 LMR
1/23/12	11:57:33	KEF	Management Review
1/23/12	11:57:33	KEF	Account Review
1/23/12	11:57:33	KEF	OUTCOME: AS, FOLLOW-UP DATE: 1/20/2012
1/23/12	11:57:33	KEF	Jennifer Verdugo: NEG RAN ROUTING AVM
1/23/12	11:57:33	KEF	2342, 171 158, 158, 158, 158, 158, 158
1/23/12	11:57:33	KEF	OF AMERICA 800-888-5833 GV VERBAL PAY
1/23/12	11:57:33	KEF	OFF AMOUNT
1/23/12	11:57:33	KEF	Jennifer Verdugo: Transferred Out of
1/23/12	11:57:33	KEF	Risk Analysis completed: 01/17/2012
1/23/12	11:57:33	KEF	Jennifer Verdugo: Risk Analysis
1/23/12	11:57:33	KEF	Completed completed: 01/17/2012
1/23/12	11:57:33	KEF	Jennifer Verdugo: RA Initiated
1/23/12	11:57:33	KEF	Completed: 01/17/2012
1/23/12	11:57:33	KEF	Jennifer Verdugo: The Loss Mitigation
1/23/12	11:57:33	KEF	business area status date was set to
1/23/12	11:57:33	KEF	01/17/2012. The Loss Mitigation
1/23/12	11:57:33	KEF	business area status user was changed
1/23/12	11:57:33	KEF	from User Loss Mit Default to Jennifer
1/23/12	11:57:33	KEF	3. Verdugo.
1/23/12	11:57:33	KEF	Left a message
1/23/12	11:57:33	KEF	Attempted Contact MODICA JEFF, Connected
1/23/12	11:57:33	KEF	To: 6306252000, Origin Of Contact: Outbou
1/23/12	11:57:33	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/15/201
1/23/12	11:57:33	KEF	2 C # 2000 LMR
1/23/12	11:57:33	KEF	Management Review
1/23/12	11:57:33	KEF	OUTCOME: NR, FOLLOW-UP DATE: 1/16/2012
1/23/12	11:57:33	KEF	Left a message
1/23/12	11:57:33	KEF	Attempted Contact MODICA JEFF, Connected
1/23/12	11:57:33	KEF	To: 6306252000, Origin Of Contact: Outbou
1/23/12	11:57:33	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/15/201
1/23/12	11:57:33	KEF	2 C # 2000 LMR
1/23/12	11:57:33	KEF	Management Review
1/23/12	11:57:33	KEF	Third Party Contact
1/23/12	11:57:33	KEF	Attempted Contact MODICA JEFF, Connected
1/23/12	11:57:33	KEF	To: 6306252342, Origin Of Contact: Outbou
1/23/12	11:57:33	KEF	nd, OUTCOME: TC, FOLLOW-UP DATE: 1/14/201
1/23/12	11:57:33	KEF	2 C # 2000 LMR...C # 2342 KATIE ANSWER

COLLECTION COMMENT LIST

GREEN TREE SERVICING

PROGRAM - COR120

ACCOUNT NUMBER: 89858344 JEFF MODICA

REGION: 88

DATE	TIME	INITIALS	COMMENTS
1/12/12	13.13.16	KEF	D THE PHONE AND THEN HUNG UP ON ME.
1/12/12	10.59.16	NRI	Management Review
1/11/12	15.14.01	XSF	Left a message
1/11/12	15.14.01	KEF	Attempted Contact MODICA JEFF, Connected
1/11/12	15.14.01	KEF	To: 6306252000, Origin Of Contact: Outbou
1/11/12	15.14.01	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/12/201
1/11/12	15.14.01	KEF	2 C # 2000 LMOR
1/11/12	15.14.01	KEF	Left a message
1/08/12	16.00.56	XSF	Attempted Contact MODICA JEFF, Connected
1/08/12	16.00.56	XSF	To: 6306252000, Origin Of Contact: Outbou
1/08/12	16.00.56	XSF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/12/201
1/08/12	16.00.56	XSF	2 C # 2000 LMOR
1/08/12	16.00.56	XSF	Left a message
1/06/12	10.23.20	KEF	Attempted Contact MODICA JEFF, Connected
1/06/12	10.23.20	KEF	To: 6306252000, Origin Of Contact: Outbou
1/06/12	10.23.20	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/9/2012
1/06/12	10.23.20	KEF	2 C # 2000 LMOR
1/06/12	10.23.20	KEF	Left a message
1/04/12	16.57.20	KEF	Attempted Contact MODICA JEFF, Connected
1/04/12	16.57.20	KEF	To: 6306252000, Origin Of Contact: Outbou
1/04/12	16.57.20	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/6/2012
1/04/12	16.57.20	KEF	2 C # 2000 LMOR
1/03/12	11.58.21	KEF	Left a message
1/03/12	11.58.21	KEF	Attempted Contact MODICA JEFF, Connected
1/03/12	11.58.21	KEF	To: 6306252000, Origin Of Contact: Outbou
1/03/12	11.58.21	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/6/2012
1/03/12	11.58.21	KEF	2 C # 2000 LMOR
1/03/12	11.58.21	KEF	Left a message
12/31/11	8.27.21	KEF	Attempted Contact MODICA JEFF, Connected
12/31/11	8.27.21	KEF	To: 6306252000, Origin Of Contact: Outbou
12/31/11	8.27.21	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/3/2012
12/31/11	8.27.21	KEF	2 C # 2000 LMOR
12/31/11	8.27.21	KEF	Left a message
12/30/11	5.33.53	KEF	Attempted Contact MODICA JEFF, Connected
12/30/11	5.33.53	KEF	To: 6306252000, Origin Of Contact: Outbou
12/30/11	5.33.53	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 1/2/2012
12/30/11	5.33.53	KEF	2 C # 2000 LMOR
12/30/11	5.33.53	KEF	Left a message
12/29/11	10.37.19	KEF	Attempted Contact MODICA JEFF, Connected
12/29/11	10.37.19	KEF	To: 6306252000, Origin Of Contact: Outbou
12/29/11	10.37.19	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/30/20
12/29/11	10.37.19	KEF	11 C # 2000 LMOR, C # 2342 LMOR
12/29/11	10.37.19	KEF	Left a message
12/28/11	6.40.52	KEF	Attempted Contact MODICA JEFF, Connected
12/28/11	6.40.52	KEF	To: 6306252000, Origin Of Contact: Outbou
12/28/11	6.40.52	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/29/20
12/28/11	6.40.52	KEF	11 C # 2000 LMOR
12/28/11	6.40.52	KEF	Left a message
12/27/11	11.13.43	NRI	Attempted Contact MODICA JEFF, Connected
12/27/11	11.13.43	NRI	To: 6306252000, Origin Of Contact: Outbou
12/27/11	11.13.43	NRI	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/28/10
12/27/11	11.13.43	NRI	11 (630) 625-2000 LMOR
12/27/11	11.13.43	NRI	

GREEN TREE SERVISING
PROGRAM - COR120
COLLECTION COMMENT LIST

ACCOUNT NUMBER: 89858344 JEFF MODICA REGION: 86

DATE	TIME	INITIALS	COMMENTS
12/23/11	9:48:55	KEF	Left a message
12/23/11	9:48:55	KEF	Attempted Contact MODICA JEFF, Connected
12/23/11	9:48:55	KEF	To: 6306252000, Origin Of Contact: Outbu
12/23/11	9:48:55	KEF	RL: OUTCOME: LM, FOLLOW-UP DATE: 12/24/20
12/23/11	9:48:55	KEF	11 C # 2008 JMOD
12/23/11	11:57:57	KEF	Left a message
12/23/11	11:57:57	KEF	Attempted Contact MODICA JEFF, Connected
12/23/11	11:57:57	KEF	To: 6306252000, Origin Of Contact: Outbu
12/23/11	11:57:57	KEF	RL: OUTCOME: LM, FOLLOW-UP DATE: 12/23/20
12/23/11	11:57:57	KEF	11 C # 2008 JMOD
12/23/11	20:17:14	PMC	Field chase - Contact Spouse Field Rep 1
12/23/11	20:17:14	PMC	Left letter to contact RO
12/23/11	17:00:00	NCP	Letter SENT NCP-Med Verification Package
12/23/11	18:04:50	NRI	Attempted Contact MODICA JEFF, Connected
12/23/11	18:04:50	NRI	To: 6306252000, Origin Of Contact: Inboun
12/23/11	18:04:50	NRI	d, intent to Retain Collateral: Y, OUTCOME
12/23/11	18:04:50	NRI	: CC, FOLLOW-UP DATE: 12/22/2011, DL XSFR
12/23/11	18:04:50	NRI	D FR T/O ADV HIM SOA ADV HIM UNDERSTAND
12/23/11	18:04:50	NRI	XPTR SD THT IF HE HAS FUNDS LEFT OVER A
12/23/11	18:04:50	NRI	FTER BUYING FOOD ON FBI HE WILL CALL AND
12/23/11	18:04:50	NRI	PAY IF HAS ENGH ASKD HIM WFR FUNDS ARE G
12/23/11	18:04:50	NRI	ILING IF NOT PAYING SD HE HAS A FOLDER OF
12/23/11	18:04:50	NRI	BILLS PAID AND OWED SD NT PAYING 1ST MO
12/23/11	18:04:50	NRI	RT EITHER ADV HIM IF NT PAYING 1ST MORT O
12/23/11	18:04:50	NRI	R WLD LIKE TO THINK SO SD ALL THESE OUES
12/23/11	18:04:50	NRI	TIONS ARE UPSETTING HIM ADV HIM ND TO KOW
12/23/11	18:04:50	NRI	WHR HE STANDS SD HE WILL PAY WHR HE CAN
12/23/11	18:04:50	NRI	ADV HIM THT IF DSNT GT 1 PRNT IN THIS M
12/23/11	18:04:50	NRI	O WILL ND TO PAY TAD TO AVOID F/A SD OK
12/23/11	18:04:50	NRI	Customer Contact
12/23/11	18:04:50	NRI	DO NRT WS ND TO
12/23/11	17:45:57	KEF	Attempted Contact MODICA JEFF, Connected
12/23/11	17:45:57	KEF	To: 6306252000, Origin Of Contact: Inboun
12/23/11	17:45:57	KEF	d, intent to Retain Collateral: Y, OUTCOME
12/23/11	17:45:57	KEF	: CC, FOLLOW-UP DATE: 12/22/2011, RFD: R
12/23/11	17:45:57	KEF	TE NRT RE HASN'T BEEN PAYING HIS LOAN. W
12/23/11	17:45:57	KEF	E REVIEWED ALL INFO FOR A MOD, UPDATED M
12/23/11	17:45:57	KEF	ONEY STACK, EXPENSES, INCOME ETC. HE SAI
12/23/11	17:45:57	KEF	D RE IS 3 MONTHS BEHIND ON FIRST ALSO, H
12/23/11	17:45:57	KEF	E PAID \$1,682/MO ON 1ST. I ADV WE NEED T
12/23/11	17:45:57	KEF	O BRING ACC CURRENT. HE SAID HE WILL PAY
12/23/11	17:45:57	KEF	E TO SEE IF HE CAN FIND THE MONR. I ADV
12/23/11	17:45:57	KEF	I WOULD WORK WITH HIM THROUGH THE DEFAL
12/23/11	17:45:57	KEF	T AND HE COULD MAKE PAYMENT THIS
12/23/11	17:45:57	KEF	TH AND ONE NEXT MONTH AND ANOTHER IN FEB
12/23/11	17:45:57	KEF	WHILE HE WAS NOTING ON HE WAS TO GET
12/23/11	17:45:57	KEF	D MONR. HE PAID FRIDAY AND HE WAS TO PAY
12/23/11	17:45:57	KEF	GEOMETRIES AND WHEN HE'LL SEE IF HE'S GOT
12/23/11	17:45:57	KEF	Customer Contact

COLLECTION COMMENT LIST

GREEN TREE SERVICING

PROGRAM - C0120

ACCOUNT NUMBER: 5958344 JEFF MODICA REGION: 83

DATE	TIME	INITIALS	COMMENTS
12/20/11	17:45:55	KEF	ANY MONEY LEFT OVER TO PAY MORTGAGE. I
12/20/11	17:45:55	KEF	ADV WE COULD SET A CHECK UP FOR END OF M
12/20/11	17:45:55	KEF	ONTH, XER TO NICK/SUP FOR T/OFF.
12/20/11	17:45:56	KEF	Letter Requested-Mod Verification Packag
12/20/11	17:45:56	KEF	e
12/20/11	17:45:56	KEF	SERVICE REQUEST COMPLETED - QUALIFY BORR
12/20/11	17:45:56	KEF	OMER
12/20/11	17:45:56	KEF	SERVICE REQUEST ORDERED - QUALIFY BORROW
12/20/11	17:45:56	KEF	ER
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	d, intent to Retain Contact: 12/17/20
12/20/11	17:45:56	KEF	; UC, FOLLOW-UP DATE: 12/17/2011 CIP 200
12/20/11	17:45:56	KEF	0 VERIFIED INFO & SENT TO RNE
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/21/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252342, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/20/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR, C # 2342 LMOR,
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/18/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/17/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR, --ACCURRENT SEARCH: ER
12/20/11	17:45:56	KEF	ONE PANS: 630-628-1530 LMOR, C # 630-563
12/20/11	17:45:56	KEF	-9755 NIS, C # 630-833-4556 FAX TONE
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/15/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252000, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/14/20
12/20/11	17:45:56	KEF	11 C # 2000 NM
12/20/11	17:45:56	KEF	Left a message
12/20/11	17:45:56	KEF	Attempted Contact MODICA JEFF, Connected
12/20/11	17:45:56	KEF	To: 6306252342, Origin of Contact: Outbou
12/20/11	17:45:56	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/13/20
12/20/11	17:45:56	KEF	11 C # 2000 LMOR, C # 2342 LMOR

PROGRAM - COR110

ACCOUNT NUMBER - 89859344 JEFF MODICA

REGION = 88

SATANEEDIPROD

STUDY

DATE TIME

DATE

KPF	8-36.23	12/10/11	Left a message
KPF	8-36.28	12/10/11	Attempted Contact MODICA JEFF, Connected
KPF	8-36.29	12/10/11	To: 6306252000, Origin of Contact: Outbou
KPF	8-36.29	12/10/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/11/20
KPF	8-36.29	12/10/11	11 C # 2000 LMR
KPF	8-36.31	12/10/11	Left a message
KPF	16-46.15	12/10/11	Attempted Contact MODICA JEFF, Connected
KPF	16-46.15	12/10/11	To: 6306252000, Origin of Contact: Outbou
KPF	16-46.15	12/10/11	nd, OUTCOME: NM, FOLLOW-UP DATES: 12/10/20
KPF	16-46.15	12/10/11	11 C # 2000 LMR
KPF	16-46.15	12/10/11	Left a message
KPF	10-46.21	12/10/11	Attempted Contact MODICA JEFF, Connected
KPF	10-46.21	12/10/11	To: 6306252000, Origin of Contact: Outbou
KPF	10-46.21	12/10/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/10/20
KPF	10-46.21	12/10/11	11 C # 2000 LMR, C # 2342 LMR
KPF	10-46.21	12/10/11	Left a message
KPF	18-21.52	12/10/11	Attempted Contact MODICA JEFF, Connected
KPF	18-21.52	12/10/11	To: 6306252342, Origin of Contact: Outbou
KPF	18-21.52	12/10/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/9/201
KPF	18-21.52	12/10/11	11 C # 2000 LMR, C # 2342 LMR
KPF	18-21.52	12/10/11	Left a message
KPF	13-10.09	12/10/11	Attempted Contact MODICA JEFF, Connected
KPF	13-10.09	12/10/11	To: 6306252000, Origin of Contact: Outbou
KPF	13-10.09	12/10/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/9/201
KPF	13-10.09	12/10/11	11 C # 2000 LMR
KPF	13-10.09	12/10/11	NO NOTICE EXCEPTION-NOD sent in last 45
SYS	5-02.49	12/12/07/11	Days
SYS	5-02.49	12/12/07/11	NOTICES SENT NCP-DEFAULT AND RIGHT TO CUR
NCP	17-00.01	12/12/06/11	(Hosberg) Certified Mail NO. 7106713169
NCP	17-00.01	12/12/06/11	017772975
NCP	17-00.01	12/12/06/11	LETTER SENT NCP-SOME OWNERSHIP COUNSELIN
NCP	17-00.00	12/12/06/11	G(Postak)
KPF	10-09.41	12/12/06/11	Left a message
KPF	10-09.41	12/12/06/11	Attempted Contact MODICA JEFF, Connected
KPF	10-09.41	12/12/06/11	To: 6306252000, Origin of Contact: Outbou
KPF	10-09.41	12/12/06/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/7/201
KPF	10-09.41	12/12/06/11	11 C # 2000 LMR
NCP	10-09.41	12/12/06/11	HOME Post Shutdown sent NCP -12/06/2011
NCP	5-25.48	12/12/06/11	SERVICE REQUEST COMPUTED - NOD PAYOFF O
PDF	16-26.05	12/12/05/11	UOR
PDF	16-26.09	12/12/05/11	Left a message
KPF	13-30.54	12/12/05/11	Attempted Contact MODICA JEFF, Connected
KPF	13-30.54	12/12/05/11	To: 6306252342, Origin of Contact: Outbou
KPF	13-30.54	12/12/05/11	nd, OUTCOME: LM, FOLLOW-UP DATES: 12/5/201
KPF	13-30.54	12/12/05/11	11 C # 2000 LMR, C # 2342 LMR
KPF	13-30.54	12/12/05/11	NO NOTICE EXCEPTION-NOD has been Reque
SYS	5-04.00	12/12/05/11	sted
SYS	5-04.00	12/12/05/11	Field Change Assigned to CMWSOP
PAC	9-23.27	12/12/05/11	Account Review
KPF	13-00.56	12/12/05/11	OUTCOMES: AR, FOLLOW-UP DATES: 12/5/2011
KPF	13-00.56	12/12/05/11	No Message Left
KPF	14-59.30	12/12/05/11	Attempted Contact MODICA JEFF, Connected
KPF	14-59.30	12/12/05/11	

GREEN TREE SERVICING
PROGRAM - COR120

COLLECTION COMMENT LIST

RUN TIME
7/23/13 13.02
PAGE 167

ACCOUNT NUMBER: 9858344 JEFF MODICA

REGION: 88

DATE	TIME	INITIALS	COMMENTS
12/02/11	14:59:30	REF	To: 6306252342, Origin of Contact: Outbou
12/02/11	14:59:30	REF	nd, OUTCOME: NM, FOLLOW-UP DATE: 12/4/201
12/02/11	14:59:30	REF	1 C # 2000 NM, C # 2342 NM
12/02/11	9:40:58	NRI	Management Review
12/02/11	9:40:58	NRI	OUTCOME: MR, FOLLOW-UP DATE: 12/5/2011
12/02/11	9:07:34	REF	Account Review
12/02/11	9:07:34	REF	OUTCOME: AR, FOLLOW-UP DATE: 12/5/2011 F
12/02/11	9:07:34	REF	LEAD CHASE REQUESTED
12/02/11	9:07:16	REF	Sent a message
12/02/11	9:06:39	REF	Left a message
12/02/11	9:06:39	REF	Attempted Contact MODICA JEFF, Connected
12/02/11	9:06:39	REF	To: 6306252342, Origin of Contact: Outbou
12/02/11	9:06:39	REF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/3/201
12/02/11	9:06:39	REF	1 C # 2000 LMOR, BY MISTAKE I UNINTENTIO
12/02/11	9:06:39	REF	NALLY INQUIRED REQUEST FOR MOD AND THEN C
12/02/11	9:06:39	REF	HECKED FOR IT TO GO OUT AGAIN. C # 2342
12/02/11	9:06:39	REF	LMOR
12/02/11	9:04:09	REF	Notice Requested-Default and Right to Cu
12/02/11	9:04:09	REF	re Amount Delinquent- 1161.21 Letter R
12/02/11	9:04:09	REF	quested-Home Ownership Counseling Amoun
12/02/11	9:04:09	REF	t Delinquent- 1161.21
12/02/11	9:04:09	REF	Letter Deleted - Home Ownership Counseli
12/02/11	9:03:58	REF	ng Request Date: 12/01/11
12/02/11	9:03:58	REF	Notice Deleted - Default and Right to Cu
12/02/11	9:03:58	REF	re Request Date: 12/01/11
12/01/11	13:17:34	REF	Left a message
12/01/11	13:17:34	REF	Attempted Contact MODICA JEFF, Connected
12/01/11	13:17:34	REF	To: 6306252342, Origin of Contact: Outbou
12/01/11	13:17:34	REF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/2/201
12/01/11	13:17:34	REF	1 C # 2000 LMOR, C # 2342 LMOR, ---SEARC
12/01/11	13:17:34	REF	HED WESTERN UNION SPAY - NO PHONE NUMBER
12/01/11	13:17:20	REF	Notice Requested-Default and Right to Cu
12/01/11	13:17:20	REF	re Amount Delinquent- 1161.21 Letter R
12/01/11	13:17:20	REF	quested-Home Ownership Counseling Amoun
12/01/11	13:17:20	REF	t Delinquent- 1161.21
12/01/11	13:17:20	REF	SERVICE REQUEST ORDERED - MOD PAYOFF QUO
12/01/11	13:17:19	REF	TS
12/01/11	13:17:19	REF	Left a message
12/01/11	13:17:19	REF	Attempted Contact MODICA JEFF, Connected
12/01/11	13:17:19	REF	To: 6306252342, Origin of Contact: Outbou
12/01/11	13:17:19	REF	nd, OUTCOME: LM, FOLLOW-UP DATE: 12/1/201
12/01/11	13:17:19	REF	1, REF: Unable to Contact Borrower C # 2
12/01/11	13:17:19	REF	000 LMOR
12/01/11	13:17:19	REF	Left a message
12/01/11	13:17:19	REF	Attempted Contact MODICA JEFF, Connected
12/01/11	13:17:19	REF	To: 6306252342, Origin of Contact: Outbou
12/01/11	13:17:19	REF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/30/20
12/01/11	13:17:19	REF	11 C # 2000 LMOR, C # 2343 LMOR
12/01/11	13:17:19	REF	Left a message
12/01/11	13:17:19	REF	Attempted Contact MODICA JEFF, Connected
12/01/11	13:17:19	REF	To: 6306252342, Origin of Contact: Outbou
12/01/11	13:17:19	REF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/29/20
12/01/11	13:17:19	REF	REF

GREEN TREE SERVICING
PROGRAM - C04120
ACCOUNT NUMBER: 44858344 JEFF MODICA REGION: 88
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
11/26/11	8:09:09	KEF	11 C # 2000 LMOR, C # 2342
11/23/11	8:13:55	KEF	Account Review
11/23/11	8:13:55	KEE	OUTCOME: AX, FOLLOW-UP DATE: 11/26/2011
11/23/11	8:11:59	KEF	Left a message
11/23/11	8:11:59	KEF	Attempted Contact MODICA JEFF, Connected
11/23/11	8:11:59	KEF	To: 6306252342, Origin of Contact: Outbou
11/23/11	8:11:59	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/24/20
11/23/11	8:11:59	KEF	11 C # 2000 LMOR, C # 2342 NM
11/23/11	8:11:59	KEF	Left a message
11/22/11	10:09:19	KEF	Attempted Contact MODICA JEFF, Connected
11/22/11	10:09:19	KEF	To: 6306252342, Origin of Contact: Outbou
11/22/11	10:09:19	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/23/20
11/22/11	10:09:19	KEF	11 C # 2000 LMOR, C # 2342 LMOR
11/21/11	9:54:16	KEF	Left a message
11/21/11	9:54:16	KEF	Attempted Contact MODICA JEFF, Connected
11/21/11	9:54:16	KEF	To: 6306252342, Origin of Contact: Outbou
11/21/11	9:54:16	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/22/20
11/21/11	9:54:16	KEF	11 C # 2000 LMOR, C # 2342 LMOR
11/21/11	9:54:16	KEF	Left a message
11/19/11	8:43:38	KEF	Attempted Contact MODICA JEFF, Connected
11/19/11	8:43:38	KEF	To: 6306252342, Origin of Contact: Outbou
11/19/11	8:43:38	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/19/20
11/19/11	8:43:38	KEF	11 C # 2000 VNFULL, C # 2342 LMOR
11/19/11	8:43:38	KEF	Left a message
11/19/11	12:47:11	VGD	Attempted Contact Katarzyna "Katie", Conn
11/19/11	12:47:11	VGD	ected To: 6306252342, Origin of Contact:
11/19/11	12:47:11	VGD	Outbound, OUTCOME: LM, FOLLOW-UP DATE: 11
11/19/11	12:47:11	VGD	/18/2011 T/(620) 625-2000 LMOR ... T/(63
11/19/11	12:47:11	VGD	0) 625-2342 LMOR
11/19/11	12:47:11	VGD	Left a message
11/16/11	8:10:29	KEF	Attempted Contact MODICA JEFF, Connected
11/16/11	8:10:29	KEF	To: 6306252342, Origin of Contact: Outbou
11/16/11	8:10:29	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/17/20
11/16/11	8:10:29	KEF	11 C # 2000 LMOR, C # 2342 LMOR
11/16/11	8:10:29	KEF	No Message Left
11/15/11	14:10:14	KEF	Attempted Contact MODICA JEFF, Connected
11/15/11	14:10:14	KEF	To: 6306252000, Origin of Contact: Outbou
11/15/11	14:10:14	KEF	nd, OUTCOME: NM, FOLLOW-UP DATE: 11/15/20
11/15/11	14:10:14	KEF	11 C # 2000 NM
11/15/11	8:47:53	KEF	Left a message
11/15/11	8:47:53	KEF	Attempted Contact MODICA JEFF, Connected
11/15/11	8:47:53	KEF	To: 6306252342, Origin of Contact: Outbou
11/15/11	8:47:53	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/16/20
11/15/11	8:47:53	KEF	11 C # 2000 LMOR, C # 2342 LMOR
11/15/11	13:36:07	KEF	Left a message
11/14/11	13:36:07	KEF	Attempted Contact MODICA JEFF, Connected
11/14/11	13:36:07	KEF	To: 6306252342, Origin of Contact: Outbou
11/14/11	13:36:07	KEF	nd, OUTCOME: LM, FOLLOW-UP DATE: 11/15/20
11/14/11	13:36:07	KEF	11 C # 2000 LMOR, C # 2342 LMOR
11/14/11	13:36:07	KEF	Attempted Contact Katarzyna "Katie", Conn
11/12/11	10:00:29	KEF	ected To: 6306252342, Origin of Contact:
11/12/11	10:00:29	KEF	Outbound, verified (Mail Address, Refr Phoa
11/12/11	10:00:29	KEF	

LIST INWOC	COLLECTION	COMMENT	LIST
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
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9	9	9	9
10	10	10	10
11	11	11	11
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16	16	16	16
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99	99	99	99
100	100	100	100

PROGRAM - COR120

ACCOUNT NUMBER= 89858344 JEFF MODICA

REGION: 28

DATE	TIME	INITIALS	COMMENTS
11/12/11	10.00.29	KCF	C Home Phone, Property Address) OUTCOME: C
11/12/11	10.00.29	KCF	TC FOLLOW-UP DATE: 11/14/2011 INBOUND C
11/12/11	10.00.29	KCF	ALL FROM KATE STATED SHE WAS UPSET W/ C
11/12/11	10.00.29	KCF	ALL HER NEIGHBOR AND NOT HER. I ADV H
11/12/11	10.00.29	KCF	R I DIDN'T HAVE HER PHONE NUMBER AND I A
11/12/11	10.00.28	KCF	LV IT IS JEFF'S RESPONSIBILITY TO CONTRA
11/12/11	10.00.28	KCF	D US. I ASKED WHY YOU ARE BEHIND SHE SA
11/12/11	10.00.28	KCF	I ASKED DOESN'T HE HAVE A CELL PHONE. A
11/12/11	10.00.28	KCF	ND I ADV HER I SPOKE WITH HER 2 WEEKS AG
11/12/11	10.00.28	KCF	O AND HE SAID THAT SHE HAD MAILED A CHECK
11/12/11	10.00.28	KCF	X. I ADV ME HAVE NOT RECEIVED A CHECK. S
11/12/11	10.00.28	KCF	HE SAID HE TAKES CARE OF THE BILL. I ASK
11/12/11	10.00.28	KCF	ED HOW ARE YOU GOING TO TAKE CARE OF TH
11/12/11	10.00.28	KCF	S TODAY, SHE SAID SHE IS NOT. SHE WAS HC
11/12/11	10.00.27	KCF	THIRD PARTY CONTACT
11/12/11	10.00.27	KCF	STILL AND THREATENING ME RAVING OVER AN
11/12/11	10.00.27	KCF	D OVER IT IS ILLEGAL TO CALL HER NEIGHBO
11/12/11	10.00.27	KCF	R. I ADV HER STOP TRACING IS ILLEGAL, TELL
11/12/11	10.00.27	KCF	W. TO ASKED TO CHECK-UP NOT SHE ASKING UP
11/12/11	8.53.11	KCF	Left a message for Jeff
11/12/11	8.25.58	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	8.25.58	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	8.25.58	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/13/20
11/12/11	8.25.58	KCF	11 C # 2000 LMOR. C # 630-625-2342 LMOR
11/12/11	8.25.58	KCF	LETTER SENT NCP-HOME OWNERSHIP COUNSELY
11/12/11	17.00.00	NCP	(PostBox)
11/12/11	8.53.11	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	8.53.11	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	8.53.11	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/12/20
11/12/11	8.53.11	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
11/12/11	8.53.11	KCF	FOUND A HOME # 630-359-3507 NIS. ---WAIT
11/12/11	8.53.11	KCF	E PAGE SEARCH: POSSIBLE NEIGHBOR: DOUGLA
11/12/11	8.53.11	KCF	S DARLEN: C # 630-903-6419 LMOR, POSSIBL
11/12/11	8.53.11	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	8.53.11	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	8.53.10	KCF	Left a message
11/12/11	8.53.10	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	8.35.57	NCP	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	5.15.45	SVS	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	5.15.45	SVS	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	18.50.20	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	18.50.20	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/11/20
11/12/11	18.50.20	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
11/12/11	18.50.20	KCF	FOUND A HOME # 630-359-3507 NIS. ---WAIT
11/12/11	18.50.20	KCF	E PAGE SEARCH: POSSIBLE NEIGHBOR: DOUGLA
11/12/11	18.50.20	KCF	S DARLEN: C # 630-903-6419 LMOR, POSSIBL
11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
11/12/11	18.50.20	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	18.50.20	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	18.50.20	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/11/20
11/12/11	18.50.20	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
11/12/11	18.50.20	KCF	FOUND A HOME # 630-359-3507 NIS. ---WAIT
11/12/11	18.50.20	KCF	E PAGE SEARCH: POSSIBLE NEIGHBOR: DOUGLA
11/12/11	18.50.20	KCF	S DARLEN: C # 630-903-6419 LMOR, POSSIBL
11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
11/12/11	18.50.20	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
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11/12/11	18.50.20	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/11/20
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11/12/11	18.50.20	KCF	E PAGE SEARCH: POSSIBLE NEIGHBOR: DOUGLA
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11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
11/12/11	18.50.20	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	18.50.20	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	18.50.20	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/11/20
11/12/11	18.50.20	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
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11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
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11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
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11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
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11/12/11	18.50.20	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
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11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
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11/12/11	18.50.20	KCF	Left a message
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11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
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11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
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11/12/11	18.50.20	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
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11/12/11	18.50.20	KCF	S DARLEN: C # 630-903-6419 LMOR, POSSIBL
11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
11/12/11	18.50.20	KCF	NSA: C # 630-630-4234 LMOR
11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
11/12/11	18.50.20	KCF	Attempted Contact MONICA JEFF Connected
11/12/11	18.50.20	KCF	To: 6306252000, Origin Of Contact: Outboun
11/12/11	18.50.20	KCF	ND OUTCOMES: LM. FOLLOW-UP DATE: 11/11/20
11/12/11	18.50.20	KCF	11 C # 2000 LMOR. ---SEARCHED ADDENDUM:
11/12/11	18.50.20	KCF	FOUND A HOME # 630-359-3507 NIS. ---WAIT
11/12/11	18.50.20	KCF	E PAGE SEARCH: POSSIBLE NEIGHBOR: DOUGLA
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11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
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11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
11/12/11	18.50.20	KCF	LETTER REQUESTED-HOME OWNERSHIP COUNSEL
11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left
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11/12/11	18.50.20	KCF	-4841, POSSIBLE NEIGHBOR: AGNIESZKA KOZI
11/12/11	18.50.20	KCF	Left a message
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11/12/11	18.50.20	KCF	HOME Post Bankrupt sent NCP -11/11/2011
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11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
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11/12/11	18.50.20	KCF	E NEIGHBOR: DONE BIRMINGHAM: C # 630-832
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11/12/11	18.50.20	KCF	Left a message
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11/12/11	18.50.20	KCF	NE Mailout Amount 767.90
11/12/11	18.50.20	KCF	Message Left</

GREEN TREE SERVICING
PROGRAM - COR120
ACCOUNT NUMBER: 8982344 JEFF MODICA
COLLECTION COMMENT LIST
REGION: 88

DATE	TIME	INITIALS	COMMENTS
11/10/11	10:45:47	KEF	OSSTLE HOME NUMBER: 630-350-2086 IMOR.
11/10/11	10:45:47	KEF	POSSIBLE RELATIVE NAME: JEFF MODICA
11/10/11	10:45:47	KEF	C # 630-563-9759 NIS, POSSIBLE NEIGHBO
11/10/11	10:45:47	KEF	R: GERALD BIDLINGER; C # 630-941-7598
11/10/11	10:45:47	KEF	IMOR
11/10/11	10:45:47	KEF	No Message Left
11/09/11	14:20:54	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	14:20:54	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	14:20:54	KEF	nd, OUTCOMS: NM, FOLLOW-UP DATE: 11/19/20
11/09/11	14:20:54	KEF	11 C # 2000 NM, FROM NOTES---MICROBILT 6
11/09/11	14:20:54	KEF	SEARCH: C # 630-353-3507 NIS
11/09/11	14:20:54	KEF	APX Value Added per C18-754
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/10/20
11/09/11	8:15:57	KEF	11 C # 2000 IMOR, FROM NOTES---MICROBILT
11/09/11	8:15:57	KEF	SEARCH: C # 630-359-3507 NIS
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/9/201
11/09/11	8:15:57	KEF	1 C # 2000 NM, ---MICROBILT SEARCH: C #
11/09/11	8:15:57	KEF	630-359-3507 IMOR, C # 630-833-4556 FAX
11/09/11	8:15:57	KEF	TONS
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/9/201
11/09/11	8:15:57	KEF	1 C # 2000 IMOR
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/8/201
11/09/11	8:15:57	KEF	1 C # 2000 IMOR
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/5/201
11/09/11	8:15:57	KEF	1 C # 2000 IMOR
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/4/201
11/09/11	8:15:57	KEF	1 C # 2000 IMOR
11/09/11	8:15:57	KEF	Left a message
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected
11/09/11	8:15:57	KEF	To: 6306252000, Origin Of Contact: Outbou
11/09/11	8:15:57	KEF	nd, OUTCOMS: IM, FOLLOW-UP DATE: 11/3/201
11/09/11	8:15:57	KEF	1 C # 2000 IMOR
11/09/11	8:15:57	KEF	No Message Left
11/09/11	8:15:57	KEF	Attempted Contact MODICA JEFF Connected

COLLECTION COMMENT LIST

REGION: 88

ACCOUNT NUMBER: 89858344 JEFF MODICA

[illegible]

COMMENTS

DATE	TIME	INITIALS	COMMENTS
4/16/11	11:29:48	STA	E
4/16/11	17:29:48	98U	Customer Contact
4/16/11	17:29:48	98U	SPOKE WITH MODICA JEFF, CONNECTED TO: 630
4/16/11	17:29:48	98U	5639755, ORIGIN OF CONTACT: PHN, VERIFIED
4/16/11	17:29:48	98U	(SSN) OUTCOME: CE, FOLLO-UP DATE: 3/27/
4/16/11	17:29:48	98U	2011, ORIGIN: PHN, REC: ADVS PD/DIE ADV
4/16/11	17:29:48	98U	1ST LTRN W/PCA, ADV EMT DATE & AMT DUE
3/23/11	16:15:54	98S	AMVHVS value Provided by B of A 3/22/201
3/23/11	16:15:54	98S	1 Spreadsheet
3/23/11	16:10:13	98S	AMVHR value Provided by B of A 3/22/201
3/23/11	16:10:13	98S	1 Spreadsheet
3/23/11	17:01:08	98S	EMT W/5 SHORT BY 27.00 - OFFERED CDR/ SE
3/23/11	17:01:09	98U	T UPT EMT ARIING W/ DPT CRD - ADVSD NRT PM
3/23/11	17:01:09	98U	A Payment was promised
3/23/11	17:01:08	98U	SPEKE WITH MODICA JEFF, CONNECTED TO: 630
3/23/11	17:01:08	98U	5639755, ORIGIN OF CONTACT: PHN, VERIFIED
3/23/11	17:01:08	98U	(SSN), EMAIL ADDRESS, WORK PHONE, HOME PHONE,
3/23/11	17:01:08	98U	DATE: 3/27/2011, OUTCOME: CE, FOLLO-UP
3/23/11	17:01:08	98U	DATE: 3/27/2011, REC: ADVS PD/DIE ADV
3/23/11	17:01:08	98U	1ST LTRN W/PCA, ADV EMT DATE & AMT DUE
3/23/11	17:01:08	98U	AMVHVS value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
3/23/11	17:01:08	98U	AMVHR value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
3/23/11	17:01:08	98U	EMT W/5 SHORT BY 27.00 - OFFERED CDR/ SE
3/23/11	17:01:09	98U	T UPT EMT ARIING W/ DPT CRD - ADVSD NRT PM
3/23/11	17:01:09	98U	A Payment was promised
3/23/11	17:01:08	98U	SPEKE WITH MODICA JEFF, CONNECTED TO: 630
3/23/11	17:01:08	98U	5639755, ORIGIN OF CONTACT: PHN, VERIFIED
3/23/11	17:01:08	98U	(SSN), EMAIL ADDRESS, WORK PHONE, HOME PHONE,
3/23/11	17:01:08	98U	DATE: 3/27/2011, OUTCOME: CE, FOLLO-UP
3/23/11	17:01:08	98U	DATE: 3/27/2011, REC: ADVS PD/DIE ADV
3/23/11	17:01:08	98U	1ST LTRN W/PCA, ADV EMT DATE & AMT DUE
3/23/11	17:01:08	98U	AMVHVS value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
3/23/11	17:01:08	98U	AMVHR value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
3/23/11	17:01:08	98U	EMT W/5 SHORT BY 27.00 - OFFERED CDR/ SE
3/23/11	17:01:09	98U	T UPT EMT ARIING W/ DPT CRD - ADVSD NRT PM
3/23/11	17:01:09	98U	A Payment was promised
3/23/11	17:01:08	98U	SPEKE WITH MODICA JEFF, CONNECTED TO: 630
3/23/11	17:01:08	98U	5639755, ORIGIN OF CONTACT: PHN, VERIFIED
3/23/11	17:01:08	98U	(SSN), EMAIL ADDRESS, WORK PHONE, HOME PHONE,
3/23/11	17:01:08	98U	DATE: 3/27/2011, OUTCOME: CE, FOLLO-UP
3/23/11	17:01:08	98U	DATE: 3/27/2011, REC: ADVS PD/DIE ADV
3/23/11	17:01:08	98U	1ST LTRN W/PCA, ADV EMT DATE & AMT DUE
3/23/11	17:01:08	98U	AMVHVS value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
3/23/11	17:01:08	98U	AMVHR value Provided by B of A 3/22/201
3/23/11	17:01:08	98U	1 Spreadsheet
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3/23/11	17:01:08	98U	5639755, ORIGIN OF CONTACT: PHN, VERIFIED
3/23/11	17:01:08	98U	(SSN), EMAIL ADDRESS, WORK PHONE, HOME PHONE,
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GREEN TREE SERVICING
PROGRAM - COR120
ACCOUNT NUMBER: 89858344 JEFF MODICA REGION: 88
COLLECTION COMMENT LIST

DATE	TIME	INITIALS	COMMENTS
3/01/11	8:00:00	CVT	(BUSPAR) :17925 Investor (INVRER) :79036
3/01/11	8:00:00	CVT	ET changed CC : 7903500 ACQ Subservicer
3/01/11	8:00:00	CVT	Flag (ACQSUB) :
2/26/11	8:00:00	CVT	The servicer is (000060) BAC Home Loans
2/26/11	8:00:00	CVT	servicing, LP a subsidiary of Bank of A
2/26/11	8:00:00	CVT	merican, N.A. The following information is
2/26/11	8:00:00	CVT	being changed on February 25, 2011 for
2/26/11	8:00:00	CVT	Acad (BANKER) :001225 Business Ser
2/26/11	8:00:00	CVT	vice (BUSPAR) :17925 Investor (INVRER) :8
2/26/11	8:00:00	CVT	79036 changed to : 7903500 ACQ Subservi
2/26/11	8:00:00	CVT	cer Flag (ACQSUB) :
2/26/11	8:00:00	CVT	Closed Code changed from 1 to 8.
2/26/11	7:59:59	CVT	*** DO NOT COMMUNICATE DATE BELOW TO BOR
2/07/11	16:08:04	CVT	*** DO NOT COMMUNICATE DATE BELOW TO BOR
2/07/11	16:06:04	CVT	ROMER, PLEASE REFER TO THE ACCOUNT STA T
2/07/11	16:06:04	CVT	ROMER, PLEASE REFER TO THE ACCOUNT STA T
2/07/11	16:06:04	CVT	US SCREEN *** Good-bye Letter Ordered on
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2/07/11	16:06:04	CVT	2/7/2011 for: Jeff Modica Green Tree Se
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2/07/11	16:06:04	CVT	1, MN 55102 800-643-0202 Cutoff Date: Fe
2/07/11	16:06:04	CVT	1, MN 55102 800-643-0202 Cutoff Date: Fe
2/07/11	16:06:04	CVT	bruary 26, 2011 Transfer Date: March 01,
2/07/11	16:06:04	CVT	bruary 26, 2011 Transfer Date: March 01,
2/07/11	16:06:04	CVT	2011 Effective Date of Transfer: March
2/07/11	16:06:04	CVT	01, 2011
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2/07/11	16:06:04	CVT	*** DO NOT COMMUNICATE DATE BELOW TO BOR
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2/07/11	16:06:04	CVT	ROMER, PLEASE REFER TO THE ACCOUNT STA T
2/07/11	16:06:04	CVT	ROMER, PLEASE REFER TO THE ACCOUNT STA T
2/07/11	16:06:04	CVT	US SCREEN *** Good-bye Letter Ordered on
2/07/11	16:06:04	CVT	US SCREEN *** Good-bye Letter Ordered on
2/07/11	16:06:04	CVT	2/7/2011 for: Jeff Modica Green Tree Se
2/07/11	16:06:04	CVT	2/7/2011 for: Jeff Modica Green Tree Se
2/07/11	16:06:04	CVT	rvicing LLC 345 St. Peter Street St. Pau
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2/07/11	16:06:04	CVT	bruary 26, 2011 Transfer Date: March 01,
2/07/11	16:06:04	CVT	bruary 26, 2011 Transfer Date: March 01,
2/07/11	16:06:04	CVT	2011 Effective Date of Transfer: March
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2/07/11	16:06:04	CVT	01, 2011
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2/07/11	16:06:04	CVT	Transferred from (000002) 70CHARACTERFIE
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2/07/11	16:06:04	CVT	FIELD70CHARACTERFIELD70CHARACTERFIELD70C

GREEN TREE SERVICING

PROGRAM - CORL20

COLLECTION COMMENT LIST

ACCOUNT NUMBER: 89838344 JEFF MODICA

REGION: 88

DATE	TIME	INITIALS	COMMENTS
6/17/09	8.00.00	CVT	RA RACTERTFIELD7(CHAR June 16, 2009 at 22
6/17/09	8.00.00	CVT	.49.00 Branch Code (BRNBR) :0001225 Bus
6/17/09	8.00.00	CVT	iness Source (BUSPA) :17525 Investor (I
6/17/09	8.00.00	CVT	NUXRF) :1000101 changed to : 3775001 ACQ
6/17/09	8.00.00	CVT	Subscriber flag (ACQSR) :

RUN TIME
7/23/11 13:03
PAGE 175

EXHIBIT E

Robison vs. Green Tree

Roger Sparks

January 8, 2015

COUNTY COURT REPORTERS, INC.
600 S. COUNTY FARM ROAD
SUITE 200
WHEATON, IL 60187
Phone: 630.653.1622
Fax: 630.653.4119
courtreporters@ccrreporters.com

Roger Sparks
January 8, 2015

1	<div>1 IN THE UNITED STATES DISTRICT COURT</div> <div>2 NORTHERN DISTRICT OF ILLINOIS</div> <div>3 EASTERN DIVISION</div> <div>4 TOMMY ROBISON,)</div> <div>5 Plaintiff;)</div> <div>6 vs.) 13 CV 06717</div> <div>7 GREEN TREE SERVICING, LLC,)</div> <div>8 Defendant.)</div> <div>9 -----)</div> <div>10 GINTS ARIS ETHAN BRENCIS and)</div> <div>11 LARISA MARA BRENCIS,)</div> <div>12 Plaintiffs;)</div> <div>13 vs.) 14 CV 02079</div> <div>14 GREEN TREE SERVICING, LLC,)</div> <div>15 Defendant.)</div> <div>16 -----)</div> <div>17 JEFFREY R. MODICA, KATARZYNA)</div> <div>18 A. MODICA a/k/a KATIE MODICA,)</div> <div>19 Plaintiffs,)</div> <div>20 vs.) 14 CV 03308</div> <div>21 GREEN TREE SERVICING, LLC, a)</div> <div>22 Delaware Corporation.)</div> <div>23 THE DISCOVERY DEPOSITION OF</div> <div>24 ROGER SPARKS</div> <div>January 8, 2015</div> <div>Ten o'clock A.M.</div> <div>Called as a witness by the Plaintiffs</div> <div>herein, pursuant to the provisions of the Federal</div>	3
2	<div>1 I N D E X</div> <div>2</div> <div>3 WITNESS: ROGER SPARKS</div> <div>4</div> <div>5 Examination By: Mr. Badwan</div> <div>6</div> <div>7 E X H I B I T S</div> <div>8</div> <div>9</div> <div>10 Group Exhibit A 32</div> <div>11 Exhibit B 69</div> <div>12 Exhibit C 87</div> <div>13 Exhibit D 122</div> <div>14 Exhibit E 126</div> <div>15 Exhibit F 141</div> <div>16 Exhibit G 143</div> <div>17 Exhibit H 183</div> <div>18 Exhibit I 186</div> <div>19 Exhibit J 188</div> <div>20 Exhibit K 203</div> <div>21</div> <div>22 C E R T I F I E D Q U E S T I O N S</div> <div>23</div> <div>24</div> <div>Page No. Line No.</div> <div>11 2</div>	4
2	<div>1 Rules of Civil Procedure pertaining to the taking of</div> <div>2 depositions for the purpose of discovery, before</div> <div>3 MARLANE K. MARSHALL, C.S.R., License #084-001134, a</div> <div>4 Notary Public qualified and commissioned for the</div> <div>5 State of Illinois, taken at Sulaiman Law Group, Ltd.,</div> <div>6 900 Jorie Boulevard, Suite 150, Oak Brook, Illinois.</div> <div>7</div> <div>8 PRESENT:</div> <div>9 SULAIMAN LAW GROUP, LTD., by</div> <div>10 MR. MOHAMMED O. BADWAN and</div> <div>11 MR. PAUL BACH</div> <div>12 900 Jorie Boulevard</div> <div>13 Suite 150</div> <div>14 Oak Brook, Illinois 60523,</div> <div>15</div> <div>16 appeared on behalf of the Plaintiff;</div> <div>17</div> <div>18 ADDUCCI, DORF, LEHNER, MITCHELL &</div> <div>19 BLANKENSHIP, P.C., by</div> <div>20 MR. MARSHALL L. BLANKENSHIP</div> <div>21 150 North Michigan Avenue</div> <div>22 Suite 2130</div> <div>23 Chicago, Illinois 60601,</div> <div>24</div> <div>25</div> <div>26 appeared on behalf of the Defendant.</div>	<div>1 (Whereupon the witness was duly sworn</div> <div>2 by the Notary.)</div> <div>3 MR. BADWAN: Today is January 8th, 2015. This</div> <div>4 is the deposition of Roger Sparks pursuant to Rule</div> <div>5 30 of the Federal Rules of Civil Procedure and by</div> <div>6 agreement between the parties. This deposition is</div> <div>7 taking place at 900 Jorie Boulevard, Suite 150, Oak</div> <div>8 Brook, Illinois at the offices of Sulaiman Law Group</div> <div>9 which is plaintiffs' counsel.</div> <div>10 Counsel, for the record I want to confirm</div> <div>11 that this is Green Tree's 30(b)(6) witness for three</div> <div>12 separate cases, the first being Tommy Robison vs.</div> <div>13 Green Tree Servicing, LLC, 13 CV 06717; Gints and</div> <div>14 Larisa Brencis vs. Green Tree Servicing, 14 CV 02079;</div> <div>15 and lastly Jeffrey and Katarzyna Modica vs. Green</div> <div>16 Tree Servicing, LLC, 14 CV 03308.</div> <div>17 MR. BLANKENSHIP: Yes, Mr. Sparks is the</div> <div>18 designated witness for each of the three 30(b)(6)</div> <div>19 notices you served in those three cases.</div> <div>20 MR. BADWAN: Wonderful.</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>

<p style="text-align: right;">5</p> <p>1 ROGER SPARKS, 2 a witness herein, called by the Plaintiffs herein, 3 pursuant to the provisions of the Federal Rules of 4 Civil Procedure pertaining hereto, having been first 5 duly sworn, was examined and testified as follows: 6 E X A M I N A T I O N 7 BY: Mr. Badwan 8 Q Mr. Sparks, could you please spell your 9 name for the record? 10 A Last name? 11 Q Yes, please. 12 A S-p-a-r-k-s. 13 Q Okay. Have you ever been deposed before? 14 A No. 15 Q All right. Feel free to take a break at 16 any point if you need to use the washroom or you just 17 need some time. Make sure that you don't answer a 18 question until I fully ask -- answer the question 19 until it's fully asked. The court reporter can only 20 transcribe what one person is saying if we both talk 21 at the same time. Make sure that all your responses 22 are verbal. So you can't -- she can't transcribe 23 any nonverbal responses like if you shake your head 24 or nod your head. Do you understand?</p>	<p style="text-align: right;">7</p> <p>1 A Yes. 2 Q How many? 3 A Two. 4 Q Two. Okay. Have you ever been arrested? 5 A No. 6 Q Okay. So you have no felony convictions? 7 A I do not. 8 Q Good. Have you ever been sued? 9 A Have I ever been sued? 10 Q Uh-huh. 11 A No. 12 Q Have you ever sued anyone? 13 A No, I don't believe I ever have. 14 Q Have you ever filed for bankruptcy? 15 A No, I have not. 16 Q Have you ever had a debt collector call you? 17 A Yes, I probably have had a debt collector 18 call me. 19 Q When was the most recent time if you can 20 approximate? 21 A I can't even venture to guess. 22 Q Okay. Fair enough. Have you ever had to 23 testify in court either as a party or as a witness -- 24 a fact witness?</p>
<p style="text-align: right;">6</p> <p>1 A (nodding) 2 THE COURT REPORTER: Is that yes? 3 THE WITNESS: Yes. 4 BY MR. BADWAN: 5 Q All right. Mr. Sparks, how old are you? 6 A Thirty-nine. 7 Q All right. Do you take any medications 8 for anything? 9 A No. 10 Q Okay. So you're not under the influence 11 of anything that would prevent you from answering 12 any questions truthfully today? 13 A I am not. 14 Q Okay. Where do you reside? 15 A Phoenix, Arizona. 16 Q Okay. And tell me about your educational 17 background. What is the highest level of education 18 you have had? 19 A Some college. 20 Q Some college. Okay. Are you married? 21 A Yes. 22 Q Okay. How long have you been married for? 23 A I have been married for ten years. 24 Q Ten years. Kids?</p>	<p style="text-align: right;">8</p> <p>1 A Yes, yes. 2 Q Okay. 3 A There was a -- Yeah, I have. 4 Q Okay. And how long ago was that? 5 A It was probably fifteen years ago. 6 Q And what was the nature of the case? 7 A I witnessed an altercation in traffic that 8 resulted in a homicide. 9 Q Okay. So it was a criminal case? 10 A It was, yeah. 11 Q Okay. Other than that time you testified 12 in open court have you ever testified in open court 13 in a separate matter? 14 A I have not. 15 Q Okay. How many times have you been 16 designated as Green Tree's 30(b)(6) witness in the 17 last five years? 18 A I believe this would be the first time. 19 Q First time. Okay. Do you know why you're 20 here today, Mr. Sparks? 21 A I am here because I was requested to show up 22 by Mr. Blankenship and whoever makes these decisions 23 at Green Tree. 24 Q Okay. And when were you notified you were</p>

<p style="text-align: right;">9</p> <p>1 going to have to be here today?</p> <p>2 A I am not certain. Possibly sometime in</p> <p>3 November. I made travel arrangements in December</p> <p>4 sometime.</p> <p>5 Q Okay. Did anyone at Green Tree talk to you</p> <p>6 about what this case -- what these cases are about?</p> <p>7 MR. BLANKENSHIP: Let me just object. To the</p> <p>8 extent it calls for you to reveal communications you</p> <p>9 have had with me or in-house counsel I object on the</p> <p>10 grounds of attorney/client privilege. So if you can</p> <p>11 answer that without talking about communications with</p> <p>12 attorneys you can answer it. Otherwise I instruct</p> <p>13 you not to answer.</p> <p>14 BY MR. BADWAN:</p> <p>15 Q Okay. Have you had a discussion -- I</p> <p>16 don't care about the contents of the discussion, but</p> <p>17 did you discuss the facts of these cases with anyone</p> <p>18 at Green Tree other than opposing counsel -- in-house</p> <p>19 counsel? So did you talk to a supervisor? Okay.</p> <p>20 Let's backtrack. Who told you you would have to be</p> <p>21 here today other than Mr. Blankenship? How did you</p> <p>22 find out? Take me through what happened. Were you</p> <p>23 at work one day and someone said Mr. Sparks, can you</p> <p>24 please come into my office; we have got to speak to</p>	<p style="text-align: right;">11</p> <p>1 BY MR. BADWAN:</p> <p>2 Q Okay. Who told you you would have to be</p> <p>3 here today?</p> <p>4 MR. BLANKENSHIP: And if you can answer that</p> <p>5 without revealing a communication with an attorney</p> <p>6 answer it. If you cannot, don't.</p> <p>7 BY MR. BADWAN:</p> <p>8 Q I am not asking you what was said in that</p> <p>9 communication; I am asking you who.</p> <p>10 MR. BLANKENSHIP: No, you are saying who told</p> <p>11 you to come. That's the contents of the conversa-</p> <p>12 tion, told you to come.</p> <p>13 MR. BADWAN: Are you instructing him not to</p> <p>14 answer?</p> <p>15 MR. BLANKENSHIP: Yes, I am.</p> <p>16 MR. BADWAN: Who?</p> <p>17 MR. BLANKENSHIP: No, because you're asking --</p> <p>18 The nature of your question has the contents of the</p> <p>19 conversation in it.</p> <p>20 MR. BADWAN: Marshall, we didn't even get</p> <p>21 started and you're already being like this. Who told</p> <p>22 him he had to be here today? Are you instructing him</p> <p>23 not to answer?</p> <p>24 MR. BLANKENSHIP: Yes.</p>
<p style="text-align: right;">10</p> <p>1 you? What happened?</p> <p>2 A No. My position at Green Tree means that</p> <p>3 at some point during the fact-finding process of</p> <p>4 these I was contacted to provide information on the</p> <p>5 dialer history.</p> <p>6 Q Okay. I will ask in a different way. Tell</p> <p>7 me how you found out that you were going to have to</p> <p>8 come here and be Green Tree's witness regarding</p> <p>9 systems.</p> <p>10 MR. BLANKENSHIP: And I will object to the</p> <p>11 extent it calls for you to reveal attorney/client</p> <p>12 privileged communication.</p> <p>13 BY MR. BADWAN:</p> <p>14 Q How did you find out, not what was said to</p> <p>15 you.</p> <p>16 MR. BLANKENSHIP: Well, your question implies</p> <p>17 the nature -- the subject of the communication.</p> <p>18 MR. BADWAN: The objection is noted.</p> <p>19 MR. BLANKENSHIP: Well, don't answer the question.</p> <p>20 Your question was proper before, tell me who you</p> <p>21 talked to who was not an attorney. That's okay. But</p> <p>22 to the extent you're asking for communications with</p> <p>23 attorneys I am instructing him not to answer.</p> <p>24</p>	<p style="text-align: right;">12</p> <p>1 MR. BADWAN: He's going to have to come back.</p> <p>2 It's a who, not a what.</p> <p>3 MR. BLANKENSHIP: Your question had the contents</p> <p>4 in the question.</p> <p>5 MR. BADWAN: Please certify the question.</p> <p>6 MR. BLANKENSHIP: You don't have to do that in</p> <p>7 federal court or state court. You haven't had to do</p> <p>8 that in thirty years.</p> <p>9 BY MR. BADWAN:</p> <p>10 Q So you are not going to answer who told you</p> <p>11 you have to be here today?</p> <p>12 A No.</p> <p>13 Q Okay. Outside of in-house counsel for Green</p> <p>14 Tree did you talk to -- and Mr. Blankenship did you</p> <p>15 talk to anyone about these cases?</p> <p>16 A No.</p> <p>17 Q You didn't talk to any supervisor or any</p> <p>18 employee of Green Tree about these cases?</p> <p>19 A These cases -- Let me just say that during</p> <p>20 the research of these cases that there may have --</p> <p>21 there may be other employees that are required to</p> <p>22 help gather data.</p> <p>23 Q Okay. I don't know how to make this simpler.</p> <p>24 Outside of the attorneys at Green Tree and</p>

<p style="text-align: right;">13</p> <p>1 Mr. Blankenship that's sitting here before you, did 2 you talk to anybody else about the facts of these 3 cases? How did you know you have to be here today? 4 MR. BLANKENSHIP: He just answered your question. 5 He told you he might have talked to some other people 6 about these cases. 7 MR. BADWAN: Who? Who? Tell me who. 8 MR. BLANKENSHIP: If you remember. 9 MR. BADWAN: We're going to be here for all 10 seven hours. 11 MR. BLANKENSHIP: We might be. Why don't you 12 get to something relevant. 13 MR. BADWAN: Relevance in a deposition? Come 14 on. 15 BY MR. BADWAN: 16 Q Who did you talk to regarding these cases 17 outside of your attorneys? 18 MR. BLANKENSHIP: If anyone. 19 BY MR. BADWAN: 20 Q Yes, anybody. 21 A Here's how it works. Mr. Blankenship and 22 possibly some other attorneys come to me -- 23 MR. BLANKENSHIP: Don't talk about our communi- 24 cation. All he wants to know is if you talked to</p>	<p style="text-align: right;">15</p> <p>1 A No. 2 Q What's in-house counsel's name? 3 A On this particular -- On these particular 4 cases I am not certain. 5 Q So how many different times did you talk to 6 in-house counsel? 7 A I talk to them on a regular basis. 8 Q And you don't know the name? 9 A Well, there's several. I am just saying 10 that -- 11 Q Give me names. Fine. 12 A Oh, there's -- 13 MR. BLANKENSHIP: Well, you want the names of 14 all in-house counsel? 15 MR. BADWAN: That he's spoken to. 16 MR. BLANKENSHIP: About these cases? 17 MR. BADWAN: About these cases. 18 MR. BLANKENSHIP: He said he doesn't remember. 19 MR. BADWAN: He said there were several. 20 MR. BLANKENSHIP: He said there's several in-house 21 counsel he talks to on a regular basis. He didn't 22 remember the name of who he talked to. 23 BY MR. BADWAN: 24 Q Regarding these cases.</p>
<p style="text-align: right;">14</p> <p>1 anyone else about this case other than attorneys. 2 It's a yes or no answer for starters. 3 BY MR. BADWAN: 4 Q Other than attorneys. 5 MR. BLANKENSHIP: Yes, other than attorneys. 6 BY MR. BADWAN: 7 Q I am not asking you about Mr. Blankenship 8 or in-house counsel for Green Tree. I am asking 9 anybody at Green Tree other than lawyers did you 10 discuss these cases with. 11 A There may be people who report to me who 12 assisted in gathering the facts for the case. 13 Q Okay. 14 A So yes. 15 Q You did. Approximately how many people? 16 A Approximately one or two. 17 Q Okay. And what was the contents of that 18 conversation? 19 A The contents of the conversation would be 20 find everything in the system related to this account. 21 Q And who did you report the findings to? 22 A Our in-house counsel. 23 Q Okay. So there was nobody between you and 24 in-house counsel?</p>	<p style="text-align: right;">16</p> <p>1 A I couldn't say with any certainty which 2 in-house counsel handled these particular cases. 3 Q Who did you talk to though? I am not asking 4 you what you talked about. 5 MR. BLANKENSHIP: He said he doesn't know. 6 MR. BADWAN: He never said that. 7 MR. BLANKENSHIP: He said he doesn't recall which 8 specific counsel. 9 MR. BADWAN: I am here asking the questions. 10 Okay? If you are going to object -- What's your 11 objection, Marshall? 12 MR. BLANKENSHIP: You are not listening to his 13 answers. 14 MR. BADWAN: What's your objection? 15 MR. BLANKENSHIP: You are misstating his answers. 16 MR. BADWAN: What is your objection? 17 MR. BLANKENSHIP: You're repeating questions 18 he's answered. Asked and answered is the objection. 19 BY MR. BADWAN: 20 Q What is the name of the in-house counsel you 21 spoke to regarding these cases? 22 A I speak to in-house counsel about a number 23 of cases. So I can't say with any certainty which 24 counsel I spoke to on these particular cases.</p>

<p style="text-align: right;">17</p> <p>1 MR. BLANKENSHIP: He can't say. 2 THE WITNESS: It could be any one. 3 BY MR. BADWAN: 4 Q Okay. How many different -- Approximately 5 how many different in-house counsel is there that you 6 regularly speak to about Green Tree cases which I am 7 sure there's a lot? 8 A There are several. 9 Q Approximately how many? You have personal 10 knowledge. Give me an estimate, something. 11 A An estimate would be five -- five to ten. 12 Q Five to ten. And you don't remember any 13 of their names? 14 MR. BLANKENSHIP: You didn't ask that question. 15 You asked about this case. And he doesn't remember. 16 MR. BADWAN: These cases. 17 MR. BLANKENSHIP: And he said he doesn't recall 18 who he talked to about these cases. I don't know how 19 he could be more plain. He said that twice now. He 20 said it twice. 21 MR. BADWAN: He's going to have to come back. 22 BY MR. BADWAN: 23 Q All right. Did you review any documents 24 in preparation for today's deposition?</p>	<p style="text-align: right;">19</p> <p>1 Q So pretty much two positions? 2 A Yes. 3 Q Okay. And what was the previous position? 4 I apologize. 5 A Technical support administrator. 6 Q All right. Mr. Sparks, this got off to a 7 bad start. We're just here to have a discussion to 8 find out some facts. I am not here to trick you; I 9 am not here to do anything. We're just trying to 10 figure out what happened, that's all. So I didn't 11 like the way this started. I just want you to know 12 answer the questions if you know the answer. If you 13 don't just simply say I don't recall. Okay? But 14 you have got to remember you are under oath. 15 All right. So you're a systems manager now, 16 correct, Mr. Sparks? 17 A Yes. 18 Q And so you started with Green Tree in 2011 19 approximately? You said you have been there four 20 years. 21 A I started with them in 2010. 22 Q 2010. Okay. And what were your job duties 23 as technical support administrator? 24 A I managed functions of the predictive dialer</p>
<p style="text-align: right;">18</p> <p>1 A Yes. 2 Q Okay. And what were those documents? 3 A The interrogatories. 4 Q Okay. Any other documents? 5 A No. 6 Q Okay. And you're currently employed at 7 Green Tree. Correct? 8 A Yeah. 9 Q What is your job title there? 10 A Systems manager. 11 Q Okay. And how long have you been employed 12 as a systems manager at Green Tree? 13 A I have been a systems manager at Green Tree 14 a little over two years. 15 Q Okay. And before that what did you do? 16 Were you at Green Tree in a different position? 17 A I was at Green Tree in a different position. 18 Q And what was your position there? 19 A My position was technical support 20 administrator. 21 Q How long were you -- So how long have you 22 been with Green Tree in total? 23 A I have been with them for approaching five 24 years.</p>	<p style="text-align: right;">20</p> <p>1 system. 2 Q Okay. Tell me what that consists of. 3 A It consists of starting and stopping call 4 lists, managing agents' IDs, reporting. 5 Q And we'll get back to predictive dialing 6 systems later. Okay. And how about as systems 7 manager what are your job duties? You said you have 8 been doing it for two years now. Correct? 9 A Yes, two years. 10 Q Okay. And what do you do? What does that 11 consist of? What are your job duties? 12 A My job duties consist of primarily managing 13 technical support administrators who handle various 14 call center technologies. 15 Q Okay. So what's your typical day routine 16 as far as do you deal with systems yourself? Do you 17 set them up? What do you do? Give me a little more 18 details of what you do there as systems manager. 19 A Well, on any given day I could both have 20 hands-on interaction with the systems or I could be 21 working with my employees, coaching, issue resolutions. 22 Along those lines. 23 Q And who is your supervisor? 24 A My manager is Joel Hanks.</p>

<p style="text-align: right;">21</p> <p>1 Q Joel Hanks?</p> <p>2 A Hanks, yeah.</p> <p>3 Q H-a-n-k-s?</p> <p>4 A Yes.</p> <p>5 Q And how many subordinates do you have? How</p> <p>6 many people do you manage?</p> <p>7 A I have eight.</p> <p>8 Q And you're located -- Your office, where</p> <p>9 is it at? Which location are you based in?</p> <p>10 A I am based in Tempe, Arizona.</p> <p>11 Q And what is there in Tempe, Arizona for</p> <p>12 Green Tree? Do they have call centers there or what</p> <p>13 is it?</p> <p>14 A Green Tree has a multitude of departments</p> <p>15 that reside in Tempe.</p> <p>16 Q Is there a collections department there?</p> <p>17 A There is a collections department there.</p> <p>18 Q And do you work there? Do you ever go</p> <p>19 inside the collections department?</p> <p>20 A Yes.</p> <p>21 Q Okay. How often?</p> <p>22 A They -- I walk past it several times a</p> <p>23 day.</p> <p>24 Q Okay. The systems that you manage, are</p>	<p style="text-align: right;">23</p> <p>1 them so I am sure you have some knowledge. You got</p> <p>2 promoted. You must know what they are and what they</p> <p>3 do, what they're able to do, what they can't do.</p> <p>4 Generally speaking in layman's terms if you had to</p> <p>5 explain this to your child what a predictive dialing</p> <p>6 system is, how would you do it?</p> <p>7 A I would say a predictive dialing system is</p> <p>8 a combination of software and hardware which generates</p> <p>9 outbound dials in an effort to create contacts.</p> <p>10 Q Okay. So it is a combination of hardware</p> <p>11 and software?</p> <p>12 A Yes.</p> <p>13 Q Okay. And how big is a predictive dialing</p> <p>14 system? Is it four feet high, five feet high, the</p> <p>15 hardware part?</p> <p>16 A It would depend on the scope of the</p> <p>17 installation the sizing.</p> <p>18 Q Okay. Now, so they vary.</p> <p>19 A They vary, yes.</p> <p>20 Q Okay. And does each call center have a</p> <p>21 predictive dialing system to the best of your</p> <p>22 knowledge?</p> <p>23 A At Green Tree?</p> <p>24 Q Yes.</p>
<p style="text-align: right;">22</p> <p>1 they employed by the collections department?</p> <p>2 A Yes.</p> <p>3 Q Do they use them?</p> <p>4 A Yes.</p> <p>5 Q What do they use them for?</p> <p>6 A Collections uses my systems, the system</p> <p>7 for live monitoring of agents and for predictive</p> <p>8 dialer operations.</p> <p>9 Q Okay. So Green Tree does use predictive</p> <p>10 dialers generally. And I will get more specific as</p> <p>11 I go along.</p> <p>12 MR. BLANKENSHIP: Object to the term generally.</p> <p>13 BY MR. BADWAN:</p> <p>14 Q Does Green Tree today use predictive dialing</p> <p>15 systems to make calls in the collections department?</p> <p>16 A Yes.</p> <p>17 Q Okay. And did Green Tree in 2010 when you</p> <p>18 started use predictive dialing systems?</p> <p>19 A Yes.</p> <p>20 Q And what is a predictive dialing system?</p> <p>21 A I don't know if I can accurately define a</p> <p>22 predictive dialing system.</p> <p>23 Q Just what your understanding of it is. I</p> <p>24 mean you have been there for four years working on</p>	<p style="text-align: right;">24</p> <p>1 A We have one predictive dialing system.</p> <p>2 Q So one predictive -- For the whole nation?</p> <p>3 A Yes.</p> <p>4 Q Okay. And where is that located, the</p> <p>5 hardware part?</p> <p>6 A The hardware is primarily located in Tempe,</p> <p>7 Arizona.</p> <p>8 Q Okay.</p> <p>9 A But there's some hardware in St. Paul,</p> <p>10 Minnesota.</p> <p>11 Q So there's two locations --</p> <p>12 A There are two locations.</p> <p>13 Q -- in which the actual physical hardware</p> <p>14 is at?</p> <p>15 A Yes.</p> <p>16 Q And why do people use predictive dialing</p> <p>17 systems as opposed to -- Why are they used? Why</p> <p>18 does Green Tree use predictive dialing systems?</p> <p>19 A I believe the industry uses predictive</p> <p>20 dialing systems to gain efficiency.</p> <p>21 Q Okay. Could you please elaborate on that?</p> <p>22 How does it provide efficiency?</p> <p>23 A Well, it takes less time to dial a phone</p> <p>24 number using a piece of software than it does to</p>

<p style="text-align: right;">25</p> <p>1 punch buttons on a telephone.</p> <p>2 Q Okay. Are all calls made by the collections</p> <p>3 department made with the predictive dialing system?</p> <p>4 A No.</p> <p>5 Q Okay. And why not? You just told me</p> <p>6 they're more efficient. So why won't all calls be</p> <p>7 made?</p> <p>8 MR. BLANKENSHIP: If you know.</p> <p>9 THE WITNESS: I can't --</p> <p>10 MR. BADWAN: This is the last time you get to</p> <p>11 suggest answers.</p> <p>12 THE WITNESS: Really the answer to that is a</p> <p>13 business decision.</p> <p>14 BY MR. BADWAN:</p> <p>15 Q Who makes that business decision?</p> <p>16 A It depends on the shop really. Some</p> <p>17 collection shops they use predictive dialer systems</p> <p>18 a hundred percent of the time. This particular one</p> <p>19 doesn't.</p> <p>20 Q What particular one are you talking about?</p> <p>21 A At Green Tree.</p> <p>22 Q Which call center does not? You said --</p> <p>23 Okay. Let me rephrase. Are all calls made by the</p> <p>24 collections department in Tempe, do they all use</p>	<p style="text-align: right;">27</p> <p>1 manager?</p> <p>2 A Yes, for my applications.</p> <p>3 Q Okay. So you as the systems manager don't</p> <p>4 know how the predictive dialing systems are used</p> <p>5 generally throughout the whole call center in the</p> <p>6 nation? Are all call centers -- do they have -- can</p> <p>7 they use the predictive dialing system?</p> <p>8 A All call centers that access -- that use</p> <p>9 the Green Tree systems and have access to the front</p> <p>10 end systems that allow them to log in to the predictive</p> <p>11 dialing system would be able to use it.</p> <p>12 Q And all call centers have access to that.</p> <p>13 Correct?</p> <p>14 A I can't say for sure.</p> <p>15 Q Do you communicate with the compliance</p> <p>16 department at Green Tree?</p> <p>17 A Yes.</p> <p>18 Q How often? I am speaking generally; I am</p> <p>19 not asking about a specific date.</p> <p>20 A I would say we communicate on a regular</p> <p>21 basis. Weekly.</p> <p>22 Q Weekly. Okay. How about the legal</p> <p>23 department?</p> <p>24 A I communicate with the legal department on</p>
<p style="text-align: right;">26</p> <p>1 predictive dialing systems for each call?</p> <p>2 A No.</p> <p>3 Q Okay. Now, you testified earlier that it's</p> <p>4 more efficient to use a predictive dialing system.</p> <p>5 Is that correct?</p> <p>6 A Yes.</p> <p>7 Q So if you know why isn't every call made</p> <p>8 with a predictive dialing system because it's faster?</p> <p>9 So who makes a decision -- Let me ask do you know</p> <p>10 why some calls are made with a predictive dialing</p> <p>11 system and some calls are not?</p> <p>12 A I do not.</p> <p>13 Q Okay. Now, do you know who decides whether</p> <p>14 a call is made with a predictive dialing system or</p> <p>15 some other method?</p> <p>16 A I do not.</p> <p>17 Q To the best of your knowledge does every</p> <p>18 call center have the ability to use a predictive</p> <p>19 dialing system?</p> <p>20 A I am not sure that every call center. I</p> <p>21 can't speak for every call center at Green Tree.</p> <p>22 Q But you are the systems manager.</p> <p>23 A Yes.</p> <p>24 Q Okay. Are you the nationwide systems</p>	<p style="text-align: right;">28</p> <p>1 a regular basis.</p> <p>2 Q Weekly as well?</p> <p>3 A That's too specific. It would depend on</p> <p>4 how busy they are.</p> <p>5 Q Do they usually reach out to you or do you</p> <p>6 usually reach out to them?</p> <p>7 A The legal department?</p> <p>8 Q Yeah.</p> <p>9 A They reach out to me.</p> <p>10 Q Okay. How about the compliance department?</p> <p>11 A It's a two-way communication with compliance.</p> <p>12 Q Okay. Are you salary based or are you hourly</p> <p>13 based?</p> <p>14 A I am salary.</p> <p>15 Q Okay. Do you have an incentive package?</p> <p>16 Can you make bonuses? Can you make extra money if</p> <p>17 you do certain things?</p> <p>18 A My compensation does include an annual</p> <p>19 bonus.</p> <p>20 Q Okay. And what's that contingent upon?</p> <p>21 A I believe it's just performance based.</p> <p>22 Q Okay. And how is your performance</p> <p>23 evaluated?</p> <p>24 A It's subjective.</p>

<p style="text-align: right;">29</p> <p>1 Q Okay. Elaborate on that. I mean I have 2 worked for many corporations. I know they tell you 3 if you want to hit this bonus you have got to do this. 4 What do you have to do to get this bonus? 5 A I don't have -- I would have to look at my 6 last performance review to give you specifics. But 7 I don't have any targeted incentive goals. It's all 8 based on how well do I manage my people. 9 Q Okay. Is your bonus contingent upon 10 performance by the collections department? 11 A No. 12 Q So it's completely independent? 13 A Right. Correct. 14 Q Okay. Your current position as systems 15 manager, were you trained by Green Tree for that 16 position? 17 A Trained in what regard? 18 Q Did you have to go through training before 19 you started? 20 A For my position? 21 Q Your current position as systems manager, 22 correct. 23 A No. 24 Q How about your position as technical support</p>	<p style="text-align: right;">31</p> <p>1 Consumer Protection Act. You know nothing else about 2 it, what it prohibits. You don't recall? Is that 3 your testimony? 4 A Yes. I would need to -- 5 Q Okay. So you're a nationwide systems 6 manager. Correct? 7 A Yes. 8 Q And you don't know what the TCPA prohibits. 9 Is that correct? 10 A I know where to get that answer for you if 11 I need it. 12 Q Who would you go to? 13 A I would go to my notes. 14 Q Okay. Would you go to the compliance 15 department? 16 A If I needed to. 17 Q Have you ever had to go to the compliance 18 department to tell you what the TCPA is? 19 A I have talked to the compliance department 20 about many, many things over the years. 21 Q Okay. And does that include the TCPA? 22 A Possibly. 23 Q Okay. Do you remember what they told you 24 it was?</p>
<p style="text-align: right;">30</p> <p>1 administrator? 2 A There's training -- on-the-job training 3 for that position. 4 Q Okay. Have you ever received training on 5 something known as the TCPA which is the Telephone 6 Consumer Protection Act? 7 A I have attended industry webinars, 8 conferences on TCPA. 9 Q Okay. And what is your general understand- 10 ing of TCPA? 11 A It's the Telephone Consumer Protection Act. 12 Q Okay. And well, you went to seminars. So 13 if you were paying any attention you would know a 14 little more than that. 15 MR. BLANKENSHIP: Object to the form of the 16 question if that's a question. Is there a question? 17 BY MR. BADWAN: 18 Q What is your understanding of the TCPA other 19 than the name of the law? What does it prohibit? Do 20 you know? 21 A I would have to look at my notes. That's 22 why -- I keep notes. I don't have the TCPA memorized. 23 Q Okay. Generally do you know -- So your 24 only knowledge of it is just it's called the Telephone</p>	<p style="text-align: right;">32</p> <p>1 A No. 2 MR. BADWAN: Okay. Okay. This will be Exhibit 3 A. Actually it's Group Exhibit A. 4 (Whereupon, a document was marked as 5 Group Exhibit A for identification.) 6 BY MR. BADWAN: 7 Q Do you know what this document is, 8 Mr. Sparks? 9 A This is a notice of deposition. 10 Q Have you seen this document before? 11 A I am not sure. 12 Q Okay. Take a look at all of them. There's 13 four separate -- three separate ones, one for each 14 case. 15 A All right. 16 Q Okay? And the notice of deposition, the 17 first one, could you please read the case caption? 18 A Where is that? 19 Q I'm sorry. The case caption is going to 20 be who the plaintiff and who the defendant is. 21 MR. BLANKENSHIP: And I would just note for the 22 record that the actual notices of deposition each had 23 an attachment to them that aren't included in 24 Exhibit 1.</p>

<p style="text-align: right;">33</p> <p>1 MR. BADWAN: Yes, for the record it had an 2 exhibit which was an activity log. 3 MR. BLANKENSHIP: Collection comment list. 4 MR. BADWAN: Right. 5 THE WITNESS: So this would be Tommy Robison, 6 plaintiff vs. Green Tree Servicing, LLC, defendant. 7 BY MR. BADWAN: 8 Q Could you read the case number in the top 9 right-hand corner? 10 A Civil Action 13 CV 06717. 11 Q Okay. And if you look at the second page 12 these are the topics that we wanted to depose Green 13 Tree on. Please go ahead and read those. 14 A Number one -- 15 Q No, you can read them to yourself. 16 A Oh, okay. 17 Q I am going to ask you some questions about 18 them. 19 A All right. 20 Q Have you seen the second page ever? 21 A Possibly. 22 Q Okay. Do you have personal knowledge of 23 the systems -- Do you have personal knowledge on 24 topic one of Green Tree systems?</p>	<p style="text-align: right;">35</p> <p>1 A Correct. 2 MR. BADWAN: Okay. Marshall, that's the only 3 way to do this. We have to go through each one. 4 MR. BLANKENSHIP: Whatever. He's being 5 produced on these topics. Ask your questions. 6 BY MR. BADWAN: 7 Q Let's go to the third page of Group -- 8 fourth page of Group Exhibit A. Do you know what 9 this is? Have you ever seen this document, that 10 page 4, 5 and 6? 11 A Is there a number on them? 12 Q I'm sorry, there's not. So it's the 13 fourth page. If you start from the first it's the 14 fourth page. 15 A This is a notice of deposition. 16 Q Could you read who the plaintiff is and 17 who the defendant is? 18 A Jeffrey R. Modica, Katarzyna A. Modica 19 a/k/a Katie Modica. 20 Q And the defendant? 21 A They're plaintiffs. Green Tree Servicing, 22 LLC is defendant. 23 Q Could you please read the case number? 24 A 14 CV 03308.</p>
<p style="text-align: right;">34</p> <p>1 A I do. 2 Q Okay. Do you have personal knowledge of 3 the topic about the systems in topic number two? 4 A I do. 5 Q Do you have personal knowledge of the topic 6 in number three? 7 A I do. 8 Q Do you have personal knowledge about the 9 topic in number four? 10 A Yes. 11 Q How about number five? 12 A Yes. 13 Q Six? 14 A Yes. 15 Q Seven? 16 A Seven there's nothing that I have any 17 knowledge of. We don't use any third party service 18 providers. 19 Q Okay. Wonderful. So you have personal 20 knowledge. Okay. Number eight? 21 A Yes. 22 Q Okay. All right. So it's your testimony 23 today that you have the ability to testify on all 24 these topics. Correct?</p>	<p style="text-align: right;">36</p> <p>1 Q Okay. And is this the first time you have 2 seen this document? 3 A Possibly. 4 Q Okay. And just to let you know, this is 5 the notice of deposition that we sent to your counsel 6 and we asked that Green Tree produce somebody that 7 can testify as to the topics on the next page. Could 8 you please go to the next page -- 9 A Yes. 10 Q -- which would be page 5 of Group Exhibit A? 11 A Yes. 12 Q Okay. And could you please go ahead and -- 13 They're pretty similar to the first case. Could you 14 please go ahead and read those quickly? Take your 15 time, whatever you need. 16 MR. BLANKENSHIP: They're identical except for 17 different phone numbers. Why are we -- Whatever. 18 MR. BADWAN: I have to lay a foundation. 19 THE WITNESS: All right. 20 MR. BADWAN: It's 30(b)(6). 21 MR. BLANKENSHIP: Yes, but you have just gone 22 through the eight topics on the other page. 23 MR. BADWAN: They're separate cases, Marshall. 24 It's three separate cases. I want to lay the</p>

<p style="text-align: right;">37</p> <p>1 foundation on each case. 2 BY MR. BADWAN: 3 Q Did you get a chance to read those? 4 A I did. 5 Q And are you able -- Do you have personal 6 knowledge of all topics between one through eight? 7 A I do. 8 Q And you already testified about those 9 today. Correct? 10 A Yes. 11 Q Okay. All right. Finally if you want to 12 go to page 7 of Group Exhibit A that's another notice 13 of deposition. Have you ever seen this document? 14 A Possibly. 15 Q Okay. And could you please read who the 16 plaintiffs are? 17 A Gints Aris Ethan Brencis and Larisa Mara 18 Brencis. 19 Q Can you tell me who the defendant is? 20 A Green Tree Servicing, LLC. 21 Q Could you please read the case number? 22 A 14 CV 02079. 23 Q Okay. And this is also a notice of 24 deposition sent to your attorney. It requests that</p>	<p style="text-align: right;">39</p> <p>1 prohibits making a call using an auto dialing system 2 to a cellular phone without the express consent of 3 the person being called. Okay? Did you know that? 4 A Yes. Sounds right. 5 Q That's your understanding of it now that I 6 have said it? Did that refresh your memory a little 7 bit? 8 A Yes, I believe that's part of the TCPA. 9 Q Okay. Now, the statute uses the words 10 automatic telephone dialing system. From going 11 forward we are just going to say ATDS. Is that okay 12 with you? 13 A That's okay. 14 Q Now, the statute also defines what an ATDS 15 is. And the express language of the statute says 16 that it's equipment which has the capacity A, to 17 store or produce telephone numbers to be called using 18 a random or sequential number generator; and B, to 19 dial such numbers. Okay? 20 A Okay. 21 Q Do you know what an automatic telephone 22 dialing system is? 23 MR. BLANKENSHIP: Let me just object for the 24 record. It calls for a legal conclusion if you are</p>
<p style="text-align: right;">38</p> <p>1 Green Tree produce someone that can testify on the 2 topics on the next page which would be page 8 of Group 3 Exhibit A. Take a look at one through eight and when 4 you are done let me know. 5 A Okay. 6 Q Do you have personal knowledge and are you 7 ready to testify as to topics one through eight? 8 A Yes. 9 Q Okay. And now the Robison -- Tommy Robison 10 vs. Green Tree case, when were you notified about it? 11 How did you find out about it? 12 A I probably found out about it whenever I 13 was contacted to pull records. 14 Q Okay. Is that the same for the Brencis 15 vs. Green Tree matter? 16 A It would be the same for all three. 17 Q Okay. That's fine. 18 A Whenever, yeah. 19 Q All right. The reason you're here today 20 is the plaintiffs in each case allege that Green 21 Tree violated the federal law called the Telephone 22 Consumer Protection Act. Okay? That's the TCPA. 23 What the TCPA generally prohibits at least for this 24 case -- it prohibits a lot of things -- but it</p>	<p style="text-align: right;">40</p> <p>1 using that as the term as defined in the statute. 2 BY MR. BADWAN: 3 Q Okay. Before today have you ever heard of 4 the term automatic telephone dialing system? 5 A Yes, I have heard the term. 6 Q Okay. You mentioned earlier that Green 7 Tree uses predictive dialing systems. Correct? 8 A Correct. 9 Q Do you know if that's an automatic telephone 10 dialing system? 11 MR. BLANKENSHIP: Objection, calls for a legal 12 conclusion. You can answer. When I object you can 13 answer. I am doing that for the record. 14 THE WITNESS: I don't know if that meets per the 15 statute or whatever. 16 BY MR. BADWAN: 17 Q Okay. 18 A But a predictive dialing system definitely 19 probably meets some of those criteria. 20 Q Okay. Let's break it down. Is a predictive 21 dialing system equipment -- an equipment would you 22 say? 23 A Yes. 24 Q Okay. Can it store phone numbers?</p>

<p style="text-align: right;">41</p> <p>1 A No.</p> <p>2 Q Okay. How can it call numbers that it</p> <p>3 doesn't have -- doesn't store? You said it can call</p> <p>4 numbers. Right?</p> <p>5 A Right.</p> <p>6 Q Okay. So in order to call a number it needs</p> <p>7 to be in the system. Correct?</p> <p>8 A I can only speak for our predictive dialing</p> <p>9 system.</p> <p>10 Q Sure, sure. That's what I am asking you</p> <p>11 about.</p> <p>12 A Okay.</p> <p>13 MR. BLANKENSHIP: What's the question? I lost</p> <p>14 the question.</p> <p>15 BY MR. BADWAN:</p> <p>16 Q I'm sorry. The question was -- The first</p> <p>17 question was whether the automatic -- I mean the</p> <p>18 predictive dialing system is equipment. He said yes.</p> <p>19 Then I asked him does it store numbers.</p> <p>20 MR. BLANKENSHIP: He said no.</p> <p>21 BY MR. BADWAN:</p> <p>22 Q It's your testimony it doesn't store</p> <p>23 numbers?</p> <p>24 A No. Yes. Stop.</p>	<p style="text-align: right;">43</p> <p>1 A It can, yes.</p> <p>2 Q It can store files. And those files have</p> <p>3 phone numbers.</p> <p>4 A It stores -- Technically yes.</p> <p>5 Q Okay. Okay. And can it produce telephone</p> <p>6 numbers in the files?</p> <p>7 MR. BLANKENSHIP: Object to the form of the</p> <p>8 question.</p> <p>9 THE WITNESS: Can you rephrase it?</p> <p>10 BY MR. BADWAN:</p> <p>11 Q You said that files are sent to the</p> <p>12 predictive dialing system and then the predictive</p> <p>13 dialing system then makes a call based on the numbers</p> <p>14 in the file. Correct?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, can it randomly call the phone</p> <p>17 numbers in the file or sequentially? How does it</p> <p>18 work? So okay, a file is sent to the predictive</p> <p>19 dialing system. What happens next?</p> <p>20 A Then the predictive dialing system uses a</p> <p>21 series of sequel-based filter criteria that takes</p> <p>22 that file produced by the mainframe --</p> <p>23 Q What is the mainframe? I mean remember I</p> <p>24 am not an attorney and I need this information. The</p>
<p style="text-align: right;">42</p> <p>1 Q Sure, sure. Take your time.</p> <p>2 A The question you asked is is it my testimony</p> <p>3 that it doesn't store numbers, and my answer to that</p> <p>4 is yes, that's my testimony.</p> <p>5 Q So the predictive dialing system, does it</p> <p>6 store numbers -- phone numbers?</p> <p>7 A No.</p> <p>8 Q Okay. Now, if it can't store numbers how</p> <p>9 can it call numbers?</p> <p>10 A It's passed numbers in a file to call on a</p> <p>11 daily basis.</p> <p>12 Q Could you repeat that answer?</p> <p>13 A The predictive dialing system is sent a file</p> <p>14 which contains that day's numbers to be called.</p> <p>15 Q Okay. And that file is contained within</p> <p>16 the predictive dialing system. Right? So someone</p> <p>17 can send a file to the predictive dialing system.</p> <p>18 Correct?</p> <p>19 A Right.</p> <p>20 Q And then the predictive dialing system makes</p> <p>21 those phone calls?</p> <p>22 A Right.</p> <p>23 Q Okay. So how does it -- How can it not</p> <p>24 store -- It can store files then. Correct?</p>	<p style="text-align: right;">44</p> <p>1 judge is not going to be an attorney, the jury is</p> <p>2 not going to be an attorney.</p> <p>3 MR. BLANKENSHIP: I think you are an attorney</p> <p>4 and I think the judge is an attorney.</p> <p>5 BY MR. BADWAN:</p> <p>6 Q Did I say that? I'm sorry. I apologize.</p> <p>7 I am not a technician like you are. Thanks for</p> <p>8 pointing that out.</p> <p>9 MR. BLANKENSHIP: I will use that as an admission</p> <p>10 at trial.</p> <p>11 BY MR. BADWAN:</p> <p>12 Q He is not certified. You better not. I</p> <p>13 apologize. I don't have a technical background.</p> <p>14 Neither do most people involved in this case. Okay?</p> <p>15 So if you can dumb it down like you're talking to a</p> <p>16 child. So let's go back and I will ask more specific</p> <p>17 questions. That was my fault. I let you go into it</p> <p>18 specifically.</p> <p>19 So you testified that a file goes into the</p> <p>20 predictive dialing system. Right?</p> <p>21 A Yes.</p> <p>22 Q And that file has phone numbers.</p> <p>23 A Yes.</p> <p>24 Q Okay. Now, how does the predictive dialing</p>

<p style="text-align: right;">45</p> <p>1 system know which numbers to call? 2 A It's programmed by -- 3 Q Okay. Who programs it? 4 A Predictive dialer administrators. 5 Q Okay. And how is it usually programmed? 6 Are the numbers selected randomly from the file? 7 A No. 8 Q How are they selected? 9 A They're selected in many, many different 10 ways. 11 Q Okay. Give me an example how one can be 12 selected. 13 A An example would be you want specific 14 criteria to target a group of accounts or a population 15 based on any number of criteria. 16 Q Okay. Give me like an example of a criteria. 17 A An example of a criteria would be days past 18 due. 19 Q Okay. So the predictive dialing system can 20 be used to only call numbers that are delinquent one 21 day. So it can actually search for calls -- for 22 accounts that are past due. That could be the 23 criteria. Correct? 24 A It could be that.</p>	<p style="text-align: right;">47</p> <p>1 MR. BLANKENSHIP: Are you talking about Green 2 Tree's or just in general? 3 MR. BADWAN: No, Green Tree's. 4 MR. BLANKENSHIP: I think that was the confusion. 5 BY MR. BADWAN: 6 Q Green Tree's, the one you have been 7 working off of for four years. 8 A Can the Green Tree system -- 9 Q The predictive dialing system, approximately 10 how many calls can it make in a minute? 11 A It could make 100 calls in a minute, yes. 12 Q Do you know what's the most it can make? 13 A The most dials it can make per minute? 14 Q Uh-huh. Like, you know, when they advertise 15 these systems how do they sell people on it? What 16 do they say its capabilities are? 17 A The metric standard in the industry is 18 usually calls per second. 19 Q Okay. How many calls per second can Green 20 Tree's predictive dialing system call? 21 A I would have to confirm with our vendor -- 22 Q Sure. 23 A -- what this particular system was sized 24 for.</p>
<p style="text-align: right;">46</p> <p>1 Q That's just one of them. There's many 2 others, but as you said that's one of them. Correct? 3 A Correct. 4 Q So then it's able to search and only call 5 accounts that are past due? 6 A It's able to, yes. 7 Q Okay. And once a phone call is made who 8 does the person being called talk to? Tell me how 9 it works. So if the predictive dialing system -- 10 Okay. So it has a record of let's call it 100 accounts 11 that are past due. It starts with account one and 12 then goes -- If the person picks up, what happens 13 next? 14 A That connection would be passed to an agent. 15 Q Okay. So the system can't talk to a 16 person -- to a borrower. Correct? 17 A Right, right. 18 Q Okay. How many phone calls can a predictive 19 dialing system call in a minute approximately? 20 A I think that number varies greatly depending 21 on your installation. I mean this stuff is sized to 22 meet the needs of the business. 23 Q Okay. Do you think you can make 100 calls 24 in a minute?</p>	<p style="text-align: right;">48</p> <p>1 Q Okay. So you are not sure. 2 A I am not certain, no. 3 Q Okay. Now, what's the name of the system -- 4 the predictive dialing system that Green Tree uses? 5 A Green Tree uses an Aspect Unified IP. 6 Q Okay. Is there a year? Is it like 2010 7 Aspect? How do those work? I am not in the industry 8 so you have to educate me on this. 9 A Our version is called Unified IP Version 10 6.6 Service Pack 2. 11 Q Okay. So all calls made by Green Tree 12 using the predictive dialing system is made with the 13 Aspect Unified IP Version 6.6. Correct? 14 A They are, yes. 15 Q And I think your testimony was that the 16 hardware -- so the actual Aspect Unified IP is 17 physically -- there's one in Tempe and one in St. Paul, 18 Minnesota? 19 A There is equipment in Tempe and in St. Paul. 20 Most of the equipment for the Aspect Unified IP system 21 exists in Tempe. 22 Q Okay. So most of it is in Tempe. 23 A (nodding) 24 THE COURT REPORTER: Is that yes?</p>

<p style="text-align: right;">49</p> <p>1 THE WITNESS: Yes. 2 BY MR. BADWAN: 3 Q Okay. So is there any other predictive 4 dialing system used -- outside of the Aspect Unified 5 IP used by Green Tree? 6 A Not that I am aware of. 7 Q And do you know how long Green Tree has 8 been using the Aspect Unified IP Version 6.6 Service 9 Pack? 10 A I believe 6.6 Unified IP was installed in 11 2011. 12 Q Okay. Do you know what Green Tree used 13 prior to that? 14 A Another Aspect dialer. 15 Q Okay. So was it the same, just a different 16 version? So was it an Aspect Unified IP maybe with 17 a different version? 18 A It was an Aspect something or another, their 19 previous dialer application. 20 Q Okay. 21 A I can get you an exact answer. 22 Q And I appreciate that. Okay. Now, do you 23 know how long they used that one for? 24 A I do not.</p>	<p style="text-align: right;">51</p> <p>1 Correct? 2 A Yes. 3 Q And you said you have personal knowledge 4 of that. Correct? 5 A Yes. 6 Q Now, and you didn't start with Green Tree 7 until 2010. Correct? 8 A Yes. 9 Q So you weren't there in 2008, were you? 10 A No. 11 Q So how do you know what system was used in 12 2008? 13 MR. BLANKENSHIP: Let me just object because 14 that kind of misstates what this topic is. It's two 15 specific phone numbers and not all calls to the 16 plaintiffs. 17 MR. BADWAN: Okay. Those phone numbers. 18 MR. BLANKENSHIP: And there weren't any calls to 19 those numbers before 2011. But you can answer the 20 question. 21 MR. BADWAN: What is that based on? Look at 22 the call history. 23 MR. BLANKENSHIP: Yes, look at the call history. 24 There aren't any to those numbers.</p>
<p style="text-align: right;">50</p> <p>1 Q Okay. Do you know when Green Tree started 2 using predictive dialing systems? 3 A I do not. It was before my time of employ- 4 ment there. 5 MR. BADWAN: Off the record. 6 (Whereupon, discussion was held off 7 the record.) 8 MR. BADWAN: Let's take a five-minute break. 9 (Following an interruption the 10 deposition was continued as follows:) 11 MR. BADWAN: Back on the record. 12 BY MR. BADWAN: 13 Q All right. Mr. Sparks, where we left off 14 I want to refer you back to Exhibit A which is before 15 you. I want you to go to page 5 of Exhibit -- Group 16 Exhibit A. 17 A Okay. 18 Q Now, previously I asked you to read all 19 those topics, and you read them and you said you are 20 able to testify as to all of them. Now, number four 21 has a specific date about the systems used by Green 22 Tree to make telephone calls to the plaintiffs in 23 this case which are Jeffrey and Katarzyna Modica 24 between June 6th, 2008 until December 19th, 2014.</p>	<p style="text-align: right;">52</p> <p>1 MR. BADWAN: We'll get there. We'll get there. 2 BY MR. BADWAN: 3 Q So you weren't -- How could you have 4 personal knowledge of the predictive dialing system 5 used in 2008? 6 A To the best of my knowledge the predictive 7 dialing system used in 2008 is the same one that was 8 in use when I started in 2010. 9 Q But you can't testify that it actually was, 10 can you? 11 A That it was the same? 12 Q Yes. 13 A Because I was not employed there. 14 MR. BADWAN: Okay. We have to keep this part 15 of the deposition open. 16 MR. BLANKENSHIP: He doesn't have to have 17 personal knowledge. He can be educated on this 18 issue. That's his testimony. That's Green Tree's 19 testimony. 20 MR. BADWAN: We are going to have to keep this 21 deposition open between 2008 and 2010. He does not 22 know. 23 MR. BLANKENSHIP: He can look at records and 24 give Green Tree's testimony. That's what a 30(b)(6)</p>

<p style="text-align: right;">53</p> <p>1 is. He can be educated on this topic.</p> <p>2 MR. BADWAN: He testified to the best of his</p> <p>3 knowledge. He didn't say unequivocally it was.</p> <p>4 MR. BLANKENSHIP: Ask your questions. If you</p> <p>5 have a problem after you ask all your questions we</p> <p>6 can talk about it.</p> <p>7 MR. BADWAN: We can do it two ways. We can</p> <p>8 stipulate that it was an Aspect Unified IP version,</p> <p>9 okay, or the alternative.</p> <p>10 MR. BLANKENSHIP: Ask him the question. I think</p> <p>11 you got an answer as to what was before the Aspect.</p> <p>12 BY MR. BADWAN:</p> <p>13 Q Okay. What was used -- what predictive</p> <p>14 dialing system was used in 2008 by Green Tree?</p> <p>15 A Aspect Conversations 6.0.</p> <p>16 Q Okay. When I asked you that about a half</p> <p>17 hour ago you didn't know. What happened between a</p> <p>18 half hour ago and now?</p> <p>19 A When I answered a half hour ago I said I</p> <p>20 knew it was an Aspect dialing system. I called one</p> <p>21 of my guys and had them check the version numbers.</p> <p>22 Q Okay. So your testimony today is in 2008</p> <p>23 what was it again? What was the predictive dialing</p> <p>24 system in 2008?</p>	<p style="text-align: right;">55</p> <p>1 how he would know if he wasn't there in 2008?</p> <p>2 A We have all the -- everything documented</p> <p>3 on our systems at Green Tree.</p> <p>4 Q Okay. Fair enough. Okay. We'll move on.</p> <p>5 Now, the Aspect Unified IP -- the Aspect Unified IP</p> <p>6 Version 6.6 and the Aspect Conversations OS 6.0, do</p> <p>7 they need any software to be integrated into them for</p> <p>8 them to operate? So I guess my question is can the</p> <p>9 hardware itself make calls without the integration of</p> <p>10 any other software?</p> <p>11 A No, it's a combination software/hardware</p> <p>12 package.</p> <p>13 Q Okay. And what is the name of the software</p> <p>14 used with the Aspect Unified IP Version 6.6 and the</p> <p>15 Aspect Conversations 6.0?</p> <p>16 A That is the name of the software.</p> <p>17 Q What is the hardware called then?</p> <p>18 A There is no name for the hardware. We</p> <p>19 refer to them by that name. And the hardware is what</p> <p>20 it is; they're servers. The software is --</p> <p>21 Q So if I was going to order an Aspect Unified</p> <p>22 IP version what would it look like?</p> <p>23 A You would -- What would it look like?</p> <p>24 Q Yeah, physically.</p>
<p style="text-align: right;">54</p> <p>1 A Aspect Conversations.</p> <p>2 Q Is there a version or it's just called</p> <p>3 Aspect?</p> <p>4 A Oh, 6.0.</p> <p>5 Q 6.0?</p> <p>6 A Yes.</p> <p>7 Q Okay. And when did they start using the</p> <p>8 Aspect Unified IP Version 6.6?</p> <p>9 A We upgraded Conversations to Unified IP</p> <p>10 6.6 during 2011.</p> <p>11 Q Okay. Now, is the Aspect Conversations OS</p> <p>12 6.0 a predictive dialing system?</p> <p>13 A It is.</p> <p>14 Q It is. Okay. All right. Who did you speak</p> <p>15 to in the last 30 minutes that told you it was an</p> <p>16 Aspect Conversations OS 6.0?</p> <p>17 A I spoke with one of my employees, Stephan</p> <p>18 Schmidt.</p> <p>19 Q Stephan Schmidt. Okay. Do you know how</p> <p>20 long Stephan Schmidt has been with Green Tree?</p> <p>21 A Roughly the same time period as me.</p> <p>22 Q So 2010, 2011?</p> <p>23 A 2010. He's worked there longer than I have.</p> <p>24 Q Okay. And how would he know? Do you know</p>	<p style="text-align: right;">56</p> <p>1 A Physically? It's like any kind of -- It</p> <p>2 would look like a bunch of servers.</p> <p>3 Q Okay.</p> <p>4 A Have you ever seen a data center? It's</p> <p>5 racks of servers.</p> <p>6 Q And is that considered the -- Is an Aspect</p> <p>7 Unified IP Version 6.6 and Aspect Conversations OS 6.0,</p> <p>8 is that hardware or software?</p> <p>9 A We use the terms interchangeably. The</p> <p>10 software -- The name that you are quoting is a version</p> <p>11 of the software. That's where the 6.6 --</p> <p>12 Q Okay. So it's -- Go on.</p> <p>13 A The software resides on hardware. They're --</p> <p>14 But From a technology standpoint it's one overall</p> <p>15 system.</p> <p>16 Q Okay. Now, if I want to put a list of</p> <p>17 phone numbers -- a file into this predictive dialing</p> <p>18 system used by Green Tree, how would I go about doing</p> <p>19 it?</p> <p>20 A We at Green Tree place the file of phone</p> <p>21 numbers via automated process through an FTP</p> <p>22 directly to the dialer server.</p> <p>23 Q Okay. So would I just be able to get on a</p> <p>24 computer and send it to the predictive dialing system</p>

<p style="text-align: right;">57</p> <p>1 by doing something with the computer?</p> <p>2 A No, not really.</p> <p>3 Q Okay. Tell me how then. Have you ever</p> <p>4 done it? Have you ever transferred a file from a</p> <p>5 computer into the predictive dialing system?</p> <p>6 A I have for testing purposes transferred</p> <p>7 files to and from the predictive dialing system.</p> <p>8 Q And how did you do it?</p> <p>9 A Through a program called PuTTY FTP using</p> <p>10 Linux commands.</p> <p>11 Q Okay. Now, is it a physical file like a</p> <p>12 disk that you plug into or put into the predictive</p> <p>13 dialing system?</p> <p>14 A No.</p> <p>15 Q No. So it's a -- You just command a</p> <p>16 computer to send it over to the predictive dialing</p> <p>17 system?</p> <p>18 A Yes.</p> <p>19 Q Okay. And how long does that usually take</p> <p>20 you to do, to send a file into the predictive dialing</p> <p>21 system so the predictive dialing system can make</p> <p>22 outgoing calls based on those files?</p> <p>23 A It depends what you're asking, if it's a</p> <p>24 test file that I am inserting for the purposes of</p>	<p style="text-align: right;">59</p> <p>1 A So that we can adhere to any calling</p> <p>2 restrictions around cellular telephones versus land</p> <p>3 lines.</p> <p>4 Q What are the calling restrictions of</p> <p>5 cellular phones?</p> <p>6 A There are a lot. And I couldn't -- I</p> <p>7 don't think I could recall all of them off the top</p> <p>8 of my head.</p> <p>9 Q Can you recall any of them?</p> <p>10 A The primary -- Yes, I can recall for</p> <p>11 certain that we don't want to place any calls to</p> <p>12 cellular phones that don't have consent to call.</p> <p>13 Q And how would you know if they have consent</p> <p>14 or not?</p> <p>15 A It's checked via our system of record.</p> <p>16 Q Okay. And so -- Okay. Fair enough. So</p> <p>17 I believe you testified earlier that the collections</p> <p>18 department uses the predictive dialing system.</p> <p>19 Correct?</p> <p>20 A Yes.</p> <p>21 Q Okay. Is there any other department in</p> <p>22 Green Tree that uses the predictive dialing system?</p> <p>23 A I am aware of the ARM department.</p> <p>24 Q What's the ARM department?</p>
<p style="text-align: right;">58</p> <p>1 validating and testing the software and hardware or</p> <p>2 if you are asking about a Green Tree production file.</p> <p>3 Q Well, have you ever done a production file?</p> <p>4 Have you ever transferred a production file?</p> <p>5 A It's all automated.</p> <p>6 Q It's all automated. Okay. So it's not</p> <p>7 like a physical file or a disk or a CD.</p> <p>8 A Nope.</p> <p>9 Q Okay. Now, does the predictive dialing</p> <p>10 system make outgoing calls to cellular phones?</p> <p>11 A Yes.</p> <p>12 Q Okay. How about to land lines?</p> <p>13 A Yes.</p> <p>14 Q Okay. Is there a way to modify the system</p> <p>15 to only call one or the other?</p> <p>16 A Yes.</p> <p>17 Q There is. And how would the predictive</p> <p>18 dialing system know if it's a cellular phone or a</p> <p>19 land line?</p> <p>20 A The phone numbers are placed in specific</p> <p>21 fields which indicate what type of phone number they</p> <p>22 are.</p> <p>23 Q Okay. And why would you ever want to</p> <p>24 distinguish between a cellular phone and a land line?</p>	<p style="text-align: right;">60</p> <p>1 A I think it's asset recovery management.</p> <p>2 So they're not part of collections. And the loss</p> <p>3 mitigation department uses the predictive dialing</p> <p>4 system as well.</p> <p>5 Q Okay. Do you know who makes the decision</p> <p>6 whether to use a predictive dialing system to call</p> <p>7 somebody or a different method?</p> <p>8 A I think it's been my experience that those</p> <p>9 decisions are siloed to individual business units at</p> <p>10 Green Tree.</p> <p>11 Q Have you ever made the decision whether to</p> <p>12 call a cellular phone or -- whether to use a</p> <p>13 predictive dialing system or some other different</p> <p>14 method?</p> <p>15 A No.</p> <p>16 Q Okay. What other methods are there to call</p> <p>17 borrowers other than the predictive dialing system?</p> <p>18 A There's predictive dialing and there's manual</p> <p>19 dialing.</p> <p>20 Q Okay. So only two?</p> <p>21 A Two, right.</p> <p>22 Q Okay. Tell me about manual.</p> <p>23 A Manual dialing is an agent reviewing the</p> <p>24 account and deciding which number to call.</p>

<p style="text-align: right;">61</p> <p>1 Q Okay. Now, how does -- how are the manual 2 calls made? 3 A They can be made several ways. They can 4 be made through this system of records, the front 5 end application which we call UCSe. 6 Q What does that stand for? 7 A I don't know what the acronym stands for. 8 Q Is that software or hardware? 9 A It's software. 10 Q And that's used by the collections 11 department at Green Tree? 12 A It is. 13 Q And has it been used since 2010? 14 A Yes. 15 Q And previous to 2010 was it used? 16 A Yes. 17 Q In 2008 was it used? 18 A Yes. 19 Q 2009 was it used? 20 A Yes. 21 Q And 2010? 22 A Right. 23 Q And is that the only software used by the 24 collections department to manually make calls?</p>	<p style="text-align: right;">63</p> <p>1 phone on the -- on each agent's desk? 2 A Currently we have hard phone and soft phone 3 installations around the company. I am not certain 4 the ratio of which to which. 5 Q Okay. Okay. So you have described let's 6 call it the click method. So they can click on a 7 number and then the call is made. 8 A Yeah. 9 Q Is that call made using a predictive dialing 10 system, the click? 11 A No. 12 Q Okay. Now, can you hook up the UCSe to the 13 predictive dialing system? 14 A I can, yes. 15 Q You can. Okay. Tell me more about that. 16 What would that do? Why would you do that? Give me 17 an instance why you would do that, what benefits, 18 disadvantages it would have. 19 A By doing what? 20 MR. BLANKENSHIP: Object to the form of the 21 question. 22 BY MR. BADWAN: 23 Q Well, the UCSe is a software and you said 24 that you can merge -- you can have them -- they can</p>
<p style="text-align: right;">62</p> <p>1 A They use a -- During which timeframe? 2 Q How about let's start from when you were 3 there in 2010 to present. 4 A What is the question again? Sorry. 5 Q Does the UCSe -- how is that used to 6 manually make calls? Tell me what it is. Tell me 7 what the UCSe is. You said it was software. Correct? 8 A Yes. 9 Q Is it a phone? Can it make a call itself? 10 A UCSe is a software that the agent would use 11 to access customer information, update accounts and 12 review any of the associated customer data. Of course 13 part of that customer data would be their available 14 contact numbers. If an agent would happen to be a 15 collections agent they could review those account 16 numbers -- phone numbers in the customer data and 17 decide to call those. 18 They could call those in our current 19 environment 2015 depending on the shop one of several 20 ways. They could click on the phone number which 21 kicks a dial out through there via phone system. 22 They could punch the numbers into their desktop 23 phone if they happen to have a hard phone. 24 Q And do -- Most currently is there a hard</p>	<p style="text-align: right;">64</p> <p>1 work together. Correct? They can be integrated to 2 work together? 3 MR. BLANKENSHIP: Object to the form of the 4 question. 5 BY MR. BADWAN: 6 Q The UCSe and the predictive dialing system. 7 A I wouldn't -- I wouldn't say that's the 8 proper wording for it. 9 Q Well, please educate me then. How do 10 they -- Tell me how you would word it then. 11 A I would say that once again the UCSe would 12 be the system of record, the front end system that the 13 agent uses. 14 Q Sure. 15 A Necessary to that process -- we're talking 16 in relation to the predictive dialer -- if that agent 17 wanted -- was taking part in a predictive dialer 18 campaign they would have to sign in to the predictive 19 dialer to initiate the process. Now, necessary to 20 making this an efficient process the predictive 21 dialer would have to pass key information which it 22 does to UCSe so that the agent will get a screen pop 23 saying who it is they're talking to. 24 Q Okay. So they can work together.</p>

<p style="text-align: right;">65</p> <p>1 A They can exchange limited information, but 2 they're by no means integrated. That's why that term 3 is what doesn't really apply. 4 Q Okay. But you said that a collection 5 agent can use the UCSe to send information to the 6 predictive dialer and vice versa. Correct? 7 A No. 8 Q I think you said limited information. You 9 said they can exchange limited information. 10 A The agent is not a part of that process. 11 Q But the UCSe and the predictive dialer are. 12 A They exchange an account number, a phone 13 number so that the UCSe knows who it is that the 14 predictive dialer is trying to call. Right? So you 15 have an agent sitting at a desk logged in to UCSe, 16 logged into their telephone extension. They log into 17 the dialer to take part in a predictive dialer 18 campaign. The dialer cues off automated dials until 19 they achieve a contact. They pass that to the avail- 20 able agent who is sitting at their desk logged into 21 these applications. Right? When it sends that audio 22 to the agent's extension it also sends an account 23 number via API to UCSe so it knows. UCSe pings the 24 IBM I Series which we call GTA so it can pass a screen</p>	<p style="text-align: right;">67</p> <p>1 A I would have to check with our vendor to 2 see what our particular system is sized for in the 3 calls-per-second category. I don't know for certain. 4 Q Okay. Now, isn't it a lot easier and a lot 5 faster to use a predictive dialing system than manual 6 calls? 7 A I don't know if it's easier. 8 Q Can a human make a hundred calls per second? 9 A No. 10 Q Okay. Can a predictive dialing system? 11 A Probably, yes. 12 Q Okay. So at no times between 2008 to 2014 13 did Green Tree use a predictive dialing system other 14 than the Aspect Unified IP Version 6.6 and the Aspect 15 Conversations OS 6.0? 16 A Correct. 17 Q Now we are going to get to the specific 18 case. This is Tommy Robison vs. Green Tree Servicing, 19 LLC, case number 13 CV 06717. When did you first 20 learn about this lawsuit? 21 A I don't have a date that I can say with 22 certainty. Whenever I was contacted to research the 23 account history for this. 24 Q Okay. Was it within the last month?</p>
<p style="text-align: right;">66</p> <p>1 pop. So as soon as the customer says hello -- or they 2 already said hello, but the next instant they get a 3 screen pop with the name, account number, blah, blah, 4 blah, and then the agent can say hi, is this Joe. 5 Q Okay. That was a very good explanation. 6 Okay. Now, if I am an agent I can sit there -- if I 7 am sick of making calls manually I can just let's put 8 it on the predictive dialing system and I will just 9 pick up if someone answers? 10 A It doesn't really work that way because the 11 predictive dialing system campaigns are managed from 12 the ground up. So an agent doesn't get to decide to 13 become part of a predictive dialing campaign -- 14 Q Okay. 15 A -- at Green Tree. 16 Q So they can't decide themselves. 17 A They can't log in and be a part of it. The 18 predictive dialer administrator would have to have a 19 preplanned campaign set up for that agent or that 20 group and all organized and coordinated to start at 21 the same time. 22 Q Now, how many calls per second did you say 23 the predictive dialer system used by Green Tree could 24 call?</p>	<p style="text-align: right;">68</p> <p>1 A I don't want to guess. 2 Q Okay. Was it a year ago? 3 A I have no idea. 4 Q Was it five years ago? 5 A I don't think I worked here five years ago. 6 Q Okay. All right. The relevant time period 7 that we're going to be speaking about in this case 8 is December 8th, 2011 to July 2nd, 2013. 9 A Okay. 10 Q Were you working at Green Tree during that 11 time period? 12 A Yes. 13 Q And what was your capacity at Green Tree 14 starting December 8th, 2011? 15 A I was a predictive dialer administrator, 16 technical support analyst. 17 Q Okay. 18 A Technical support administrator. 19 Q Same thing, predictive dialing administrator? 20 A Yeah. 21 Q And when did you get promoted to your current 22 position as systems manager? 23 A November, 2012. 24 Q Okay. Do you know if Green Tree made any</p>

<p style="text-align: right;">69</p> <p>1 phone calls to Mr. Robison between December 8th, 2011 2 to July 2nd, 2013? 3 A I can tell you if I have the -- if I can 4 look at the records I provided. 5 Q Okay. And we're going to get to that, but -- 6 So without looking at the records you don't know if 7 they made a phone call to Mr. Robison? 8 A No. I don't remember, no. 9 Q Okay. Do you know which call center the 10 phone calls to Mr. Robison would have come from? 11 A No, I don't know that offhand. 12 Q Okay. If I give you the records of the 13 phone calls, Green Tree's records, would you be able 14 to tell me which call center it came from? 15 A Yes, probably. 16 (Whereupon, a document was marked as 17 Exhibit B for identification.) 18 MR. BADWAN: Okay. All right. I am handing 19 Mr. Sparks Exhibit B which is the collection comment 20 list that was produced by Green Tree in Mr. Robison's 21 case. 22 (Following an interruption the 23 deposition was continued as follows:) 24 MR. BADWAN: Back on the record.</p>	<p style="text-align: right;">71</p> <p>1 Q And what do they reflect or portray? 2 A Account activity. 3 Q And this one's for Tommy Robison. Correct? 4 A It is. 5 Q Okay. Now, so if you look through it would 6 you be able to know if the phone calls were made to 7 Mr. Robison based on the collection comment list? 8 A Would I -- Can you ask that again? Sorry. 9 Q Previously I asked you whether Green Tree 10 had made any phone calls to Mr. Robison between 2008 11 and 2011. No, I'm sorry, I said the relevant time 12 period here for this case was -- I just want to make 13 sure we're on the same page -- December 8, 2011 to 14 July 2nd, 2013. And then you said you -- you testi- 15 fied you don't know; you would have to look at some 16 records. 17 A Okay. 18 Q Are these the records you were referring to? 19 A Yes. 20 Q Okay. So based on the documents I gave 21 you are you able to tell whether Mr. Robison was 22 called by Green Tree between December 8th, 2011 and 23 July 2nd, 2013? 24 A Yes.</p>
<p style="text-align: right;">70</p> <p>1 BY MR. BADWAN: 2 Q Mr. Sparks, do you recognize the document 3 I just handed you? 4 A Yes. 5 Q What is it? 6 A It looks like a collection comment file. 7 Q And what is that? 8 A History of all activity in a particular 9 account. 10 Q Okay. And I want to direct you to the top 11 left-hand corner. It says account number. Could 12 you read what it says after that? 13 A 68208962, I think. 14 Q Okay. Looks like a 99, but it's irrelevant. 15 Could you please read the name after that? 16 A Tom J. Robison. 17 Q Okay. And do you know if these records 18 are kept in the ordinary course of business at Green 19 Tree? 20 A What? 21 Q Are they kept in the ordinary course of 22 business? Are they kept every day? Are they 23 accurate? 24 A Yes.</p>	<p style="text-align: right;">72</p> <p>1 Q And how do you know phone calls were made? 2 What are you looking at? 3 A The comments display that a phone number 4 was tried. 5 Q Okay. Now, do you know how the calls were 6 made? Were they using the predictive dialing system 7 for the phone calls or were they manually dialed? 8 A If they're produced by the predictive dialer 9 they will appear in this comment record one of two 10 ways. 11 Q Okay. And what are those ways? 12 A A system outcome will display the initials 13 SYS in this third column. 14 Q Okay. And what's the other way? 15 A The other way is a disposition that gets 16 passed to an agent -- 17 Q And how would that -- Sorry. 18 A -- would display. As opposed to SYS in 19 that initials column it would display the agent's 20 initials. And then instead of attempted contact it 21 would say AppCP, APP home phone number, Co-App. It 22 would -- Essentially what it's telling you is which 23 phone field the predictive dialer attempted to call 24 or called.</p>

<p style="text-align: right;">73</p> <p>1 Q Okay. That's confusing to me and here's 2 why. Now, if a predictive dialing system called you 3 said it would be SYS. Correct? Now, the other way 4 you are saying is it would bear the initials of the 5 agent? 6 A On a contact. Right? So there's a 7 distinction here. 8 Q Sure. And please explain that to me because 9 I need to be educated on this issue. 10 A Well, okay. The initials SYS, right, are 11 the predictive dialer made a call which didn't result 12 in any type of live person on the other end. 13 Q Okay. 14 A So it's documenting the collection comment 15 file with what was the result of that call. Now, if 16 the predictive dialer detects what it thinks is a 17 real person on the other end of the line it is going 18 to pass that call to an agent in which case you would 19 have the agent's initials documented there as opposed 20 to SYS. 21 Q Okay. So just by looking at -- So it's 22 possible that if I see three initials of an agent 23 that that call was made using the predictive auto 24 dialer?</p>	<p style="text-align: right;">75</p> <p>1 one go ahead. I am trying to save us all some time. 2 MR. BADWAN: That's saving time or coaching a 3 witness? 4 MR. BLANKENSHIP: No, because he told you what 5 the field was. Apparently you didn't understand it 6 because part of his first answer was -- 7 MR. BADWAN: You said there were none here. 8 MR. BLANKENSHIP: Part of his first answer was 9 he said you would see initials followed by App, 10 Co-App, etc. 11 MR. BADWAN: Is your name Roger Sparks? Please 12 do not answer the questions as well. 13 MR. BLANKENSHIP: I am trying to help you 14 because you are obviously not listening to the 15 witness. But go ahead. 16 BY MR. BADWAN: 17 Q Show me one. 18 MR. BLANKENSHIP: Try to find one. Okay. 19 THE WITNESS: Okay. So where we were at? 20 BY MR. BADWAN: 21 Q I wanted to know if a predictive dialing 22 system makes a phone call and a live agent picks up, 23 how would you know that based on this collection 24 comment list? And you said you will find me an</p>
<p style="text-align: right;">74</p> <p>1 A No, you would have to look at the additional 2 information in the comments column right next to the 3 initials. 4 Q Okay. And if it was a -- if it was the 5 predictive dialing system that made the call and an 6 agent picked up because there was a live person on 7 the other end, what would it say after the initials? 8 A The first information in that comment would 9 be the phone field the predictive dialer attempted. 10 Q It would actually say that? 11 A I could show you an example. 12 MR. BLANKENSHIP: Not on this one though because 13 there aren't any. 14 THE WITNESS: Not on this one. 15 MR. BLANKENSHIP: He said -- Earlier just to 16 help you he said in his prior testimony it would say 17 APP, CoApp, etc. There aren't any fields that actually 18 say that in this. I am trying to help you here. If 19 you want to show him a different one he could actually 20 give you an example. 21 MR. BADWAN: Marshall, do you know what you just 22 said? You just told him how to answer something. 23 You said there are none here. 24 MR. BLANKENSHIP: Okay. If you want to look for</p>	<p style="text-align: right;">76</p> <p>1 example. Find me an example. 2 A Yeah, and I can't. I don't see any example. 3 Q I want you to go through every single page 4 and I want to get this definitely on the record. 5 A All right. 6 Q Take your time. We are in no hurry. We 7 have five more hours. You only need to look at the 8 relevant time period. And the relevant time period 9 is December 8th, 2011 to July 2nd, 2013. I don't know 10 if you went past that, but that's the only time period 11 that's at issue here. And my question is according to 12 the collection comment list were any calls made using 13 a predictive dialing system. 14 A I was only looking for calls that resulted 15 in contact. 16 Q Okay. Okay. Could you please look and 17 see if any of the calls made between December 8th, 18 2011 and July 2nd, 2013 were made using a predictive 19 dialing system? 20 A Yeah. 21 Q Because you told me -- you testified earlier 22 that you are able to tell by looking at the collection 23 comment list. Correct? 24 A I can, yeah.</p>

<p style="text-align: right;">77</p> <p>1 Q This is very important to this case. I 2 need to know if any of those calls were made using a 3 predictive dialing system. 4 A It's much easier for me to search my dialer 5 databases from a computer though. All that information 6 is in here as well. 7 Q And is that search going to reveal the same 8 thing that's on this collection comment list? 9 A It will. 10 Q Do you want to make a phone call? 11 A I believe I already have done it -- 12 MR. BLANKENSHIP: Yeah, it's in the interroga- 13 tories. 14 THE WITNESS: -- and put it in the interroga- 15 tories. 16 BY MR. BADWAN: 17 Q So is it your testimony -- What's your 18 answer to the question? Were any of those calls 19 made using a predictive dialing system? 20 A What did I put in the interrogatory for 21 Robison? 22 Q We're going to get there. To the best of 23 your knowledge were any of those calls based on the 24 collection comment list made using a predictive dialing</p>	<p style="text-align: right;">79</p> <p>1 storage of phone numbers and customer data is on is 2 the IBM I Series GTA. 3 Q So can it store numbers? 4 A UCSe no, no. It's just an interface. 5 Q It's an interface. When you say interface 6 it's what pops up on the screen? 7 A Right. 8 Q So for an account would it have Tommy 9 Robison and his phone number show up? 10 A It has all kinds of phone numbers. 11 Q So it can store numbers? 12 MR. BLANKENSHIP: Object to the form of the 13 question. 14 BY MR. BADWAN: 15 Q So if the number had showed there the UCSe 16 interface shows a phone number. Correct? 17 A It will show you a phone number, correct. 18 Q Okay. Now, we didn't really talk about 19 your technical background. Are you trained in 20 computer science? 21 A How so? In what fashion? 22 Q Do you have any certifications? Do you 23 have any certifications in it? Degrees? How did 24 you learn all this stuff?</p>
<p style="text-align: right;">78</p> <p>1 system? 2 A I don't believe they were. 3 Q Okay. So every single phone call made there 4 was made how? 5 A Manually. 6 Q And when you say manually what do you mean? 7 A Meaning not using a predictive dialing 8 system. 9 Q Okay. Was it -- So they were made using 10 the UCSe software? 11 A UCSe, a physical hard phone. One of those, 12 right. 13 Q Okay. So now the UCSe, do you have to dial 14 all ten numbers in order to make an outgoing call? 15 Does the agent have to sit there and just punch the 16 numbers in themselves? 17 A They can. It depends if -- Sometimes is 18 the answer. There are -- If the existing phone 19 number on the account is within the eligible calling 20 field they can click on it to initiate the dialing 21 for them as well. 22 Q Can the UCSe store phone numbers? 23 A UCSe is only a graphic user interface for 24 the agent to -- The core application that all of the</p>	<p style="text-align: right;">80</p> <p>1 A Experience. 2 Q Hand-on training? 3 A Yes. 4 Q Okay. So you don't have any degrees or 5 certifications. 6 A I don't have any degrees. I don't know 7 what kind of certifications are even unavailable for 8 this. 9 Q So hands-on training during work? 10 A For the majority. And from Aspect software. 11 Q And before you started with Green Tree did 12 you have any -- what did you do previous to that? 13 A I worked in various roles for another 14 financial company. 15 Q What was the name of the company? 16 A Wells Fargo Bank. 17 Q Okay. And what was your title there? 18 A Various. 19 Q What was your most -- the most recent one 20 at Wells Fargo? 21 A I think I was a technical support analyst. 22 Q And were you a predictive dialing systems 23 administrator there? 24 A I was.</p>

<p style="text-align: right;">81</p> <p>1 Q Okay. So how long have you been working 2 with predictive dialing systems? 3 A Nine years roughly. 4 Q Okay. So you know them very well. 5 A I know Aspect predictive dialing systems 6 fairly well. 7 Q And did Wells Fargo use Aspect as well? 8 A They did. 9 Q Okay. All right. So none of the calls 10 made by Green Tree to Mr. Robison between December 8, 11 2011 to July 2nd, 2013 were made with a predictive 12 dialing system. Correct? 13 A Correct. 14 Q Is that your testimony? 15 A Yes. 16 Q They were all made manually in which you 17 said they either -- Is it a click? One click and 18 it dials? When you say manually how many different 19 manual methods are there to make an outgoing phone 20 call? 21 A Currently? 22 Q No, between two thousand -- Between 23 December 8th, 2011 to July 2nd, 2013. 24 A They would be able -- The agent --</p>	<p style="text-align: right;">83</p> <p>1 we called it the click system where they click the 2 number and it dials -- or whether it was manually 3 punched in? 4 A No, because it uses the same phone line. 5 Q Okay. Now, your testimony earlier was that 6 Green Tree employs that predictive dialing system 7 because it's more efficient, correct, to make phone 8 calls? 9 MR. BLANKENSHIP: Asked and answered three times. 10 BY MR. BADWAN: 11 Q Answer the question. 12 A Yes, they employ a predictive dialing 13 system. 14 Q Tell me why Green Tree did not use the 15 predictive dialing system for Mr. Robison's account. 16 MR. BLANKENSHIP: Objection to the form of the 17 question. 18 BY MR. BADWAN: 19 Q Answer the question. 20 A I have -- I don't have the answer to that 21 question of why they would employ one method over the 22 other on any particular account. 23 Q Okay. Does it make sense to you? 24 MR. BLANKENSHIP: Object to the form of the</p>
<p style="text-align: right;">82</p> <p>1 Q Yes? 2 A -- would be able to manually click on the 3 number in the account record that they wished to dial, 4 or they could pick up the physical phone and press 5 the physical buttons to dial it or -- 6 Q Okay. Is there any way to -- Sorry. Go 7 on. 8 A Or they could type the phone number into a 9 field on the soft phone and click dial as well. 10 Q Now, you say soft phone. What is a soft 11 phone? 12 A It's exactly like a hard phone but there 13 is no physical component to it. You have got -- A 14 soft phone is the general term meaning a virtual 15 telephone, I guess. 16 Q Is it in the computer itself? 17 A Yes. But it still uses a physical phone 18 line usually. 19 Q Okay. So each computer has a soft phone 20 in it? 21 A It could, yes. 22 Q Okay. So is there any way to know whether 23 the phone calls made to Mr. Robison during the 24 relevant time period were the click system -- remember</p>	<p style="text-align: right;">84</p> <p>1 question. 2 THE WITNESS: Does it make sense to me? I don't 3 have enough information for it to make or not make 4 any sense. 5 BY MR. BADWAN: 6 Q Did you make any of these calls yourself? 7 A No. 8 Q Then how do you know the manner they were 9 made? 10 A I know that these calls were not made using 11 a predictive dialing system -- my predictive dialing 12 system. 13 Q Because how? 14 A Because the record indicates that. 15 Q And when you say record are you talking 16 about Exhibit B? 17 A Yes. 18 Q Okay. And the only other way to find out 19 is to do what? You said earlier that you could do a 20 search? 21 A I can look at the dialer call history, yeah. 22 Q Okay. Now, the soft phone, the click system, 23 does it have a feature that allows a call to be made 24 without any human intervention?</p>

<p style="text-align: right;">85</p> <p>1 A No.</p> <p>2 Q So it has to be prompted to make a call. Is</p> <p>3 that correct?</p> <p>4 A Yes.</p> <p>5 Q It can't generate numbers itself to call?</p> <p>6 A No.</p> <p>7 Q What evidence do you have or you could</p> <p>8 point me to to show that none of those calls were</p> <p>9 made using an auto dialing system or predictive</p> <p>10 dialing system?</p> <p>11 MR. BLANKENSHIP: Let me just object to the</p> <p>12 extent it calls for a legal conclusion. But you</p> <p>13 used the term automatic dialing system. If you</p> <p>14 limit it to the predictive dialing system that's</p> <p>15 okay.</p> <p>16 BY MR. BADWAN:</p> <p>17 Q Predictive dialing system.</p> <p>18 A You asked me what evidence I have?</p> <p>19 Q Or you could point me to.</p> <p>20 A I think we discussed the system of record</p> <p>21 as the best possible source of what happened.</p> <p>22 Q Okay. I just want to make sure that we're</p> <p>23 a hundred percent clear. If under initials it has</p> <p>24 SYS that means an auto dialer -- a predictive dialing</p>	<p style="text-align: right;">87</p> <p>1 A Yes.</p> <p>2 Q And you also said they use the soft phone</p> <p>3 click touching or click dialing.</p> <p>4 A Manual efforts.</p> <p>5 Q Manual efforts.</p> <p>6 A Yes.</p> <p>7 Q Outside of those two are there any other</p> <p>8 ways to make phone calls?</p> <p>9 A No. It's a manual effort to reach contact</p> <p>10 or you sign in and use the predictive dialer system.</p> <p>11 MR. BADWAN: Okay. All right.</p> <p>12 (Whereupon, a document was marked as</p> <p>13 Exhibit C for identification.)</p> <p>14 (Whereupon, discussion was held off</p> <p>15 the record.)</p> <p>16 BY MR. BADWAN:</p> <p>17 Q I am handing Mr. Sparks Exhibit C.</p> <p>18 Mr. Sparks, do you know what that document I just</p> <p>19 handed you is?</p> <p>20 A Yes.</p> <p>21 Q And what is it?</p> <p>22 A It's an answer of Green Tree Servicing to</p> <p>23 plaintiff's second set of interrogatories.</p> <p>24 Q Okay. And how are you familiar with this</p>
<p style="text-align: right;">86</p> <p>1 system was used to make that phone call and no one</p> <p>2 answered. Correct?</p> <p>3 A Wait. There are other SYS-based comments.</p> <p>4 Just because the initials say SYS doesn't mean that</p> <p>5 it relates to a predictive dialer call.</p> <p>6 Q Okay.</p> <p>7 A I can -- Go ahead.</p> <p>8 Q The floor is yours. How do you know then</p> <p>9 there was a call? For SYS you said it could mean</p> <p>10 different things. How do you know it was a call?</p> <p>11 A It has a comment next to it that tells you</p> <p>12 it was a call.</p> <p>13 Q It usually says call? Attempted contact?</p> <p>14 What does it say? If there was a predictive dialer</p> <p>15 used and it says SYS, what would it say in the comment?</p> <p>16 A It would tell you the result of that call.</p> <p>17 Q Okay.</p> <p>18 A Answering machine detected, no message left</p> <p>19 as an example.</p> <p>20 Q Has Green Tree changed its method of calls</p> <p>21 ever since 2011?</p> <p>22 A By method what do you mean?</p> <p>23 Q Okay. So you have testified that they use</p> <p>24 predictive dialing systems. Correct?</p>	<p style="text-align: right;">88</p> <p>1 document?</p> <p>2 A I answered some of these questions.</p> <p>3 Q Not all of them?</p> <p>4 A I contributed to the answer on potentially</p> <p>5 some or all of these questions.</p> <p>6 Q Okay. Were all these questions presented</p> <p>7 to you?</p> <p>8 A I believe so.</p> <p>9 Q Okay. When did you first see this document?</p> <p>10 A I don't know when timeframe-wise.</p> <p>11 Q Okay. Go ahead and read that, please. Are</p> <p>12 these your responses? Go ahead and read it because</p> <p>13 I want to make sure your responses are correct. And</p> <p>14 if you need to change them we can change them.</p> <p>15 A All right.</p> <p>16 Q So interrogatory 1 is the question, and</p> <p>17 then where it says answer to interrogatory number 1</p> <p>18 is what your attorney says is your answer. Because</p> <p>19 if you look at number 1 it says that you're the person</p> <p>20 that responded to these interrogatories. I just want</p> <p>21 to make sure we're on the same page and what it says</p> <p>22 on here is what your response is.</p> <p>23 A Okay.</p> <p>24 Q Okay. So if you want a chance to review</p>

<p style="text-align: right;">89</p> <p>1 them go ahead and do it because my next question is 2 are they accurate. So I would suggest -- Well, your 3 attorney can recommend what you do, but your answer 4 has certain ramifications. That's all. So my question 5 is are these your answers. And take your time. 6 A All right. I have read it. 7 Q If you want to look at the last page of 8 Exhibit 3 -- 9 A Yes. 10 Q -- there is a signature there. I'm sorry. 11 I'm sorry. Page 6. Do you see that? 12 A The verification? 13 Q Yes, sir. 14 A Yes. 15 Q Is that your signature? 16 A That's mine, yes. 17 Q Okay. Did you help your attorney prepare 18 these responses? 19 A Yes. 20 Q Okay. Approximately when? 21 A It says November 11th, 2014. 22 Q Okay. Let's start with your response to 23 interrogatory -- Are they accurate? 24 A Yes.</p>	<p style="text-align: right;">91</p> <p>1 not limited in time and is not limited to the calls 2 at issue in this case. Subject to and without waiving 3 these objections, Green Tree states that during the 4 time period at issue in this case it stored customer 5 information, including phone numbers when applicable, 6 on an IBM 9117 Model MMD server" -- in quotation 7 server -- "with an IBM System I platform and GTA and 8 GTFC4 systems." 9 Q Okay. What is an IBM 9117 MMD server with 10 IBM System I platform and GTA and GTFC4 systems? In 11 layman's terms what is that? 12 A Commonly referred to the I Series, IBM, in 13 layman's terms would be mainframe. 14 Q So this is Microsoft involving Windows? 15 A Yeah, it is not -- It is not Microsoft; 16 it is IBM, yeah. 17 Q Okay. So this is where the numbers are 18 stored just reading your answer -- 19 A Correct. 20 Q -- beside the objection? But I thought 21 the phone numbers come up on the UCSe. 22 A They do. 23 Q Okay. So why isn't the UCSe in this 24 response?</p>
<p style="text-align: right;">90</p> <p>1 Q Do you want to change anything? 2 A I do not, no. 3 Q You do not. Okay. Are they all true 4 answers? 5 A They are. 6 Q Okay. So let's look at interrogatory 2. 7 Could you please read what the interrogatory says and 8 your response? 9 A Interrogatory 2: "Identify the year, make 10 and model of the technology or systems employed by 11 Green Tree to store the phone numbers of persons 12 indebted to Green Tree for the purpose of collecting 13 on the indebtedness of calendar years 2011 through 14 2014." 15 Q Okay. And now would you please read the 16 response? 17 A "Green Tree objects to this interrogatory 18 on the ground that the terms 'technology or system' 19 and 'purpose of collecting on the indebtedness' are 20 vague and ambiguous. Green Tree additionally objects 21 to this interrogatory on the grounds that it is over- 22 broad, unduly burdensome and seeks information that 23 is not relevant to this dispute or likely to lead to 24 the discovery of admissible evidence in that it is</p>	<p style="text-align: right;">92</p> <p>1 A UCSe is just an interface. 2 Q But it has numbers. You can look at numbers 3 in it. 4 A It's getting them in here. (indicating) 5 Q It's getting them from there? 6 A Yes. 7 Q So the UCSe is part of this technology, 8 the IBM 9117 Model MMD server with an IBM System I 9 platform. 10 A I wouldn't say it's part of it, no. It's 11 separate technology. 12 Q Okay. But it's downloaded on it? 13 A It's like a database call. I mean you 14 always need a GUI, a graphical user interface, to 15 input your query. Like they ask the database and 16 tells it what you need. Right? So UCSe is a 17 graphical user interface running on a Microsoft.NET 18 framework that is essentially pingng the I Series 19 GTA for customer information and presenting it in a 20 way that an agent can read it. And then if an agent 21 needs to make updates to the customer record of 22 course that's going to be stored on the I Series as 23 well. But UCSe stores nothing. Once it moves to the 24 next account all that -- it's irrelevant. It's just</p>

<p style="text-align: right;">93</p> <p>1 an interface.</p> <p>2 Q Okay. But the UCSe -- The UCSe -- If I</p> <p>3 opened up an account in UCSe it would show me the</p> <p>4 borrower's number.</p> <p>5 A If you opened --</p> <p>6 Q They work together then. Is that what you</p> <p>7 are trying to say?</p> <p>8 A You search an account, not open an account.</p> <p>9 Open in my mind makes it seem like it's already there.</p> <p>10 It is not. You search an account number which goes</p> <p>11 and retrieves this information from the I Series and</p> <p>12 displays it for you on your desktop.</p> <p>13 Q Okay. So let's call it the I Series. Is</p> <p>14 that okay? If I call it the I Series you know what</p> <p>15 I am referring to?</p> <p>16 A Yes.</p> <p>17 Q So the I Series and the UCSe work together</p> <p>18 to retrieve a number. You can run an inquiry on the</p> <p>19 UCSe which then goes to the I Series, grabs a number</p> <p>20 and brings it back. Correct? The I Series sends it</p> <p>21 back?</p> <p>22 A Right.</p> <p>23 Q Okay.</p> <p>24 A The I Series is the storage, the central</p>	<p style="text-align: right;">95</p> <p>1 A No, they still could not make a phone call.</p> <p>2 Q What's it going to take for a phone call to</p> <p>3 be made with the I Series and the UCSe?</p> <p>4 A You would still need a telephone and an</p> <p>5 agent.</p> <p>6 Q Okay. Is the soft phone okay?</p> <p>7 A Yes.</p> <p>8 MR. BADWAN: Okay.</p> <p>9 MR. BLANKENSHIP: I guess I would ask time period</p> <p>10 for that question.</p> <p>11 BY MR. BADWAN:</p> <p>12 Q Soft phone between December 8th, 2011 and</p> <p>13 July 2nd, 2013.</p> <p>14 A Soft phone implementation during this time</p> <p>15 period 2011 to 2013 would be rare. Hard phone was the</p> <p>16 norm during that time period.</p> <p>17 Q Have you ever walked through the collection</p> <p>18 center?</p> <p>19 A Yes.</p> <p>20 Q Okay. The one in Tempe?</p> <p>21 A Yes.</p> <p>22 Q Approximately how many people are inside of</p> <p>23 that call center?</p> <p>24 A Several hundred.</p>
<p style="text-align: right;">94</p> <p>1 platform for which all customer information is stored</p> <p>2 and located.</p> <p>3 Q Okay.</p> <p>4 A That is it.</p> <p>5 Q Okay. All right. Okay. So the UCSe</p> <p>6 cannot retrieve a number without the I Series.</p> <p>7 A Right.</p> <p>8 Q Okay. Can the UCSe make a phone call?</p> <p>9 A No.</p> <p>10 Q Okay. So the I Series can store phone</p> <p>11 numbers. Correct?</p> <p>12 A Yes.</p> <p>13 Q Did it store Mr. Robison's number?</p> <p>14 A I'm sorry? Excuse me?</p> <p>15 Q Did it store Mr. Robison's number?</p> <p>16 A Yes.</p> <p>17 Q Okay. Can the I Series make phone calls?</p> <p>18 A No.</p> <p>19 Q If they work together do they have the</p> <p>20 capacity or capability of making a phone call?</p> <p>21 MR. BLANKENSHIP: Object to the form of the</p> <p>22 question. They being what?</p> <p>23 BY MR. BADWAN:</p> <p>24 Q UCSe and the I Series.</p>	<p style="text-align: right;">96</p> <p>1 Q Wow. And do you see people with the phone</p> <p>2 holding it to their ear?</p> <p>3 A Generally you will see -- Do I? Yes, I</p> <p>4 did.</p> <p>5 Q Is it common?</p> <p>6 A Maybe.</p> <p>7 Q What other -- How else would they be able</p> <p>8 to talk if they don't have a physical phone in their</p> <p>9 hand?</p> <p>10 A You will see a headset connected to the</p> <p>11 phone so they don't have to pick up an actual receiver.</p> <p>12 Q So does every desk have a hard phone?</p> <p>13 A Yes, in Tempe.</p> <p>14 Q Okay. And earlier you stated that based</p> <p>15 on the collection comment list you might be able to</p> <p>16 tell me where the phone calls -- what call center it</p> <p>17 came from. For Mr. Robison if you take a look at</p> <p>18 Exhibit B can you tell me what call center it came</p> <p>19 from?</p> <p>20 A Looking at the collection comment a manual</p> <p>21 attempt would be made by an agent and it would have</p> <p>22 their initials, agent initials. So you would know</p> <p>23 where that agent -- I would need to look to see</p> <p>24 where that agent resides to know where the call</p>

<p style="text-align: right;">97</p> <p>1 originated from.</p> <p>2 Q Is there a way to know whether all these</p> <p>3 calls were made from the same call center?</p> <p>4 A I could tell you if I knew where the agents</p> <p>5 were.</p> <p>6 Q Okay. Now -- Okay. So you would have to</p> <p>7 do a secondary search. You would have to first look</p> <p>8 at the initials, find out who those initials are tied</p> <p>9 to and then look for their address. Correct?</p> <p>10 A Correct. I would, yeah.</p> <p>11 Q Okay. Now, if you look at some of those</p> <p>12 initials it has a number as opposed to initials. I'll</p> <p>13 give you an example. Look at page -- the Bates stamped</p> <p>14 page 158 which is page 22 up here. (indicating)</p> <p>15 A Oh, I see. Yep.</p> <p>16 Q If you look at the bottom it says 805.</p> <p>17 A I see it.</p> <p>18 Q What does that mean?</p> <p>19 A It would be an agent ID or an indication</p> <p>20 of something. I would have to do a search on 805</p> <p>21 and see what it was.</p> <p>22 Q So you have no personal knowledge today?</p> <p>23 A I don't know what 805 is, no.</p> <p>24 Q Okay. I know you are not a collection agent.</p>	<p style="text-align: right;">99</p> <p>1 MR. BLANKENSHIP: Object to the form of the</p> <p>2 question.</p> <p>3 BY MR. BADWAN:</p> <p>4 Q Is it possible that any of these calls were</p> <p>5 made with a predictive dialing system?</p> <p>6 MR. BLANKENSHIP: Object to the form of the</p> <p>7 question.</p> <p>8 BY MR. BADWAN:</p> <p>9 Q Please answer.</p> <p>10 A No, these calls were not made with the</p> <p>11 predictive dialing system.</p> <p>12 Q So 0% chance any of these calls were made</p> <p>13 with the predictive dialing system?</p> <p>14 A Correct.</p> <p>15 Q It's a factual impossibility?</p> <p>16 A Because the comment record would indicate</p> <p>17 that the call was made by the predictive dialing</p> <p>18 system.</p> <p>19 Q Okay. Could you please read your response</p> <p>20 to interrogatory 3?</p> <p>21 A "Green Tree --"</p> <p>22 Q I tell you what. Read the interrogatory.</p> <p>23 We'll make a record.</p> <p>24 A "Identify the year, make and model of the</p>
<p style="text-align: right;">98</p> <p>1 If you know the answer answer it. If you don't say</p> <p>2 you don't know. But what happens -- You know what?</p> <p>3 I will rephrase. Strike that.</p> <p>4 If an agent called somebody that didn't</p> <p>5 want to be contacted any more, how do you take the</p> <p>6 number out of the database? How would you make sure</p> <p>7 that number was never called by the predictive dialing</p> <p>8 system?</p> <p>9 A How would I as a collection agent?</p> <p>10 Q How does it work? I mean you said you have</p> <p>11 been operating or working with predictive dialing</p> <p>12 systems for almost nine years. So if you want to</p> <p>13 make sure a number never gets in that system how do</p> <p>14 you do it?</p> <p>15 A You remove that phone number from the account</p> <p>16 record is the most common method of eliminating phone</p> <p>17 calls.</p> <p>18 Q Have you ever experienced a case in which a</p> <p>19 number was supposed to be removed but the predictive</p> <p>20 dialing system called it?</p> <p>21 A I am not aware of any, no.</p> <p>22 Q Can it happen?</p> <p>23 A Anything is possible.</p> <p>24 Q Could it have happened here?</p>	<p style="text-align: right;">100</p> <p>1 technology or systems employed by Green Tree to assist</p> <p>2 or enable Green Tree to make each phone call listed</p> <p>3 on the attached Exhibit A to the plaintiffs to the</p> <p>4 number (847) 553-5901 from December 8, 2011 until</p> <p>5 October 10, 2014. If there was more than one model</p> <p>6 of the technology or system employed by Green Tree</p> <p>7 during the aforementioned time period please state</p> <p>8 the dates that Green Tree started using the said model</p> <p>9 and ceased using such model."</p> <p>10 And the answer to interrogatory number 3 is,</p> <p>11 "Green Tree objects to this interrogatory on the</p> <p>12 ground that the term 'technology or system' is vague</p> <p>13 and ambiguous. Subject to and without waiving these</p> <p>14 objections Green Tree states that the calls reflected</p> <p>15 on Exhibit A to the plaintiff at the number</p> <p>16 (847) 553-5901 during the period of December 8, 2011</p> <p>17 through October 10, 2014 were made by individuals</p> <p>18 using a UCSe custom-built user interface running on</p> <p>19 Microsoft.NET Framework 4.0."</p> <p>20 Q Would you change that response at all? Is</p> <p>21 it accurate?</p> <p>22 A I would not -- I would not change it, no.</p> <p>23 Q So it is accurate.</p> <p>24 A Sure.</p>

<p style="text-align: right;">101</p> <p>1 Q So based on the conversation today you 2 wouldn't change it. 3 A No. 4 Q Can the UCSe be modified to -- can it be 5 prompted to make a call? 6 A Can it be -- No, it can't be. 7 Q Does it have a feature in which it can make 8 a call? 9 A It does not have a -- No, it cannot -- it 10 can never make a call. You will need an agent and a 11 phone in order to make a phone call. 12 Q Okay. So you have the I Series that stores 13 the numbers. Correct? 14 A Right. 15 Q Then you have the UCSe which is the inter- 16 face? 17 A Right. 18 Q Then you have a human being. In order to 19 make a call you would have to click something on the 20 UCSe and then that is connected to a phone which makes 21 the call? 22 A Right. 23 Q So it's one big unit. They work together. 24 A You need all the pieces in order to</p>	<p style="text-align: right;">103</p> <p>1 So they work together. Correct? 2 A Right. 3 Q Is that kind of how it is here? 4 MR. BLANKENSHIP: Object to the form of the 5 question. 6 THE WITNESS: I would say no. 7 BY MR. BADWAN: 8 Q Tell me why. 9 A Because in those examples you don't have a 10 useful component by itself; you need all the components 11 to make a working thing. Each one of these components 12 that we're describing all serve a role by themselves. 13 A telephone is still a telephone, an I Series is still 14 a giant mainframe computer, a UCSe is still a GUI 15 that allows you to update customer information. So 16 I would not relate that analogy at all. 17 Q Well, a steering wheel is a steering wheel; 18 an engine is an engine. Correct? 19 MR. BLANKENSHIP: Object to the form. 20 BY MR. BADWAN: 21 Q I mean you are saying -- Okay. So what we 22 have here is different technologies or things -- 23 physical things that are working together to start 24 and complete a process when prompted. Correct?</p>
<p style="text-align: right;">102</p> <p>1 accomplish the phone call. 2 Q Okay. A computer. Can you look at the 3 internet with the computer? 4 A Yes. 5 Q If you have a laptop can you search the 6 internet with it, a regular laptop? Are you able to? 7 MR. BLANKENSHIP: Object to the form of the 8 question. 9 THE WITNESS: Sure. 10 BY MR. BADWAN: 11 Q Are you able to use a computer only -- with 12 a screen only? So if you -- Can a screen only -- 13 Would a computer work with the screen only? 14 MR. BLANKENSHIP: Object to the form of the 15 question. 16 MR. BADWAN: He has a technology background. 17 MR. BLANKENSHIP: I am objecting for the record 18 because it's a crazy question. 19 THE WITNESS: No. 20 BY MR. BADWAN: 21 Q Can a car work with just a steering wheel? 22 A No. 23 Q Okay. But it would work with all the other 24 components of a car, right, like an engine and --</p>	<p style="text-align: right;">104</p> <p>1 MR. BLANKENSHIP: Object to the form of the 2 question. 3 THE WITNESS: What process? 4 BY MR. BADWAN: 5 Q Making a phone call. 6 A That's one of many processes that they can 7 be used in conjunction together to accomplish. 8 Q Okay. Right. But to make a phone call -- 9 For something to make a phone call -- Green Tree to 10 make a phone call between December 8th, 2011 and 11 July 2nd, 2013 you would need an I Series. Correct? 12 A Yes. 13 Q You would need a soft phone or hard phone. 14 Correct? 15 A Yes. 16 Q You would need UCSe. Correct? 17 A Yes. 18 Q Is there anything else you would need? 19 A You would need an agent. 20 Q So four things working together could make 21 a phone call? 22 A They can. 23 Q If you took one of those out can you still 24 make a phone call?</p>

<p style="text-align: right;">105</p> <p>1 A How abstract do you want to get?</p> <p>2 Q If I took the I Series out would I be able</p> <p>3 to make a phone call?</p> <p>4 A Would you be able to make a phone call to</p> <p>5 one of Tommy Robison's phone numbers?</p> <p>6 Q Yes.</p> <p>7 A I mean I think your question is so vague.</p> <p>8 If you had his phone number in a cell phone in your</p> <p>9 pocket you could make a phone call.</p> <p>10 Q No, no. I am talking about a Green Tree</p> <p>11 agent. Because your testimony was that the I Series</p> <p>12 stores the phone number. So if we take the I Series</p> <p>13 out there is no phone number to call.</p> <p>14 A The agent wouldn't know what the phone</p> <p>15 number was, correct.</p> <p>16 Q So those are all required components.</p> <p>17 Correct?</p> <p>18 A Right.</p> <p>19 Q Just to be sure again it's the I Series,</p> <p>20 it is a soft phone or hard phone, it is the UCSe and</p> <p>21 it is a human being. Correct? And if you took any</p> <p>22 one of those four components out you would not be able</p> <p>23 to call Tommy Robison. Right?</p> <p>24 A Right.</p>	<p style="text-align: right;">107</p> <p>1 number 3 does not have the capability of dialing</p> <p>2 telephone numbers without human intervention and is</p> <p>3 used by individuals to access telephone numbers are</p> <p>4 stored on the server."</p> <p>5 Q That was number 4. Correct?</p> <p>6 A That was number 4.</p> <p>7 Q Okay. Do you want to change your answer</p> <p>8 to -- I'm sorry. Is this correct?</p> <p>9 A Yes, that's correct.</p> <p>10 Q Okay. Do you want to change it based on</p> <p>11 what you told me today?</p> <p>12 A No, I don't.</p> <p>13 Q Okay. Then why is the I Series not in the</p> <p>14 response to interrogatory 4? You just discussed you</p> <p>15 need all the components. Correct?</p> <p>16 A In here we're calling the I Series the</p> <p>17 server.</p> <p>18 Q Right. But -- Right. But the interrogatory</p> <p>19 was -- You identified the I Series in interrogatory</p> <p>20 number 2 and you identified the UCSe in interrogatory</p> <p>21 number 3. Correct?</p> <p>22 A Right.</p> <p>23 Q Then -- Okay. So you don't want to change</p> <p>24 your answer. You want to stick with this answer?</p>
<p style="text-align: right;">106</p> <p>1 Q Unless you had his number with you on your</p> <p>2 cell phone.</p> <p>3 A Correct.</p> <p>4 Q Okay. Please read interrogatory number 4.</p> <p>5 A "For the systems or technologies identified</p> <p>6 in interrogatories 2 and 3, please state whether the</p> <p>7 system or technology has the capacity to dial phone</p> <p>8 numbers stored in its system as to result in outgoing</p> <p>9 phone calls to a cellular phone."</p> <p>10 Answer to interrogatory 4: "Green Tree</p> <p>11 objects to this interrogatory on the grounds that it</p> <p>12 is vague and confusing inasmuch as the word 'capacity'</p> <p>13 is a word in the Telephone Consumer Protection Act that</p> <p>14 has been interpreted in different ways. Subject to</p> <p>15 and without waiving this objection, Green Tree states</p> <p>16 that (1), the technology identified in response to</p> <p>17 interrogatory number 2 is not capable of making phone</p> <p>18 calls since it is a database stored on a server; and</p> <p>19 (2), the technology identified in response to inter-</p> <p>20 rogatory number 3 does not store telephone numbers</p> <p>21 and, therefore, is not capable of 'dialing phone</p> <p>22 numbers stored in its system.' Answering further,</p> <p>23 Green Tree states that only the UCSe custom-built user</p> <p>24 interface referenced in response to interrogatory</p>	<p style="text-align: right;">108</p> <p>1 A Yes.</p> <p>2 Q Okay. Now, the response to interrogatory</p> <p>3 4 states that UCSe does not store phone numbers, but</p> <p>4 then it says that the UCSe accesses the numbers to</p> <p>5 call. Which one is it?</p> <p>6 MR. BLANKENSHIP: Object to the form of the</p> <p>7 question.</p> <p>8 BY MR. BADWAN:</p> <p>9 Q Well, you are saying -- Your response is</p> <p>10 that UCSe does not store numbers?</p> <p>11 A Right.</p> <p>12 Q But then it says in answering further Green</p> <p>13 Tree states that only the UCSe custom-built user</p> <p>14 interface referenced in interrogatory number 3 does</p> <p>15 not have the capability of dialing telephone numbers</p> <p>16 and is used by individuals to access telephone numbers</p> <p>17 that are stored on the server.</p> <p>18 A Right.</p> <p>19 Q So the I Series stores the numbers then.</p> <p>20 Is that what you mean? The I Series stores the</p> <p>21 numbers, UCSe communicates with the I Series, grabs</p> <p>22 the numbers; then the I Series sends it the number</p> <p>23 and the number pops up on the UCSe?</p> <p>24 A Correct.</p>

<p style="text-align: right;">109</p> <p>1 Q Okay. Makes sense. All right. Let's go 2 to interrogatory number 5. 3 A Interrogatory 5: "State whether Green Tree 4 has ever employed an ATDS to place phone calls to 5 persons indebted to Green Tree in any of its collections 6 departments or call centers for the calendar years 2011 7 through 2014." 8 Answer to interrogatory 5: "Green Tree 9 objects to this interrogatory on the grounds that it 10 is vague, overbroad, unduly burdensome and seeks 11 information that is not relevant to this dispute or 12 likely to lead to the discovery of admissible evidence 13 in that it is not limited in time, is not limited to 14 the calls at issue in this case, and is not limited to 15 the collection departments or call centers at issue 16 in this case. Green Tree further objects to this 17 interrogatory on the ground that the term 'ATDS' 'as 18 defined by 47 U.S.C. 227(a)(1)' (see definitions 19 contained in plaintiffs' interrogatories) has been 20 subject to different interpretations and it is not 21 clear what interpretation is intended by this inter- 22 rogatory. Subject to and without waiving these 23 objections, Green Tree states that it has at times 24 during the years 2011 to 2014 used a predictive dialing</p>	<p style="text-align: right;">111</p> <p>1 MR. BADWAN: Yes. I want to be case specific. 2 It'll take two seconds. 3 THE WITNESS: It is a combination of hardware 4 and software. 5 BY MR. BADWAN: 6 Q So it's technically -- Would you consider 7 it equipment? 8 A I would consider some of it equipment. 9 Q Okay. And it's able to store or produce 10 numbers? 11 MR. BLANKENSHIP: I just object to the form of 12 the question. It calls for a legal conclusion. 13 MR. BADWAN: No, it doesn't. 14 MR. BLANKENSHIP: You're quoting from the statute, 15 and that statute is subject to legal interpretation. 16 BY MR. BADWAN: 17 Q Is it able to store numbers to the best of 18 your ability? 19 A No. 20 MR. BLANKENSHIP: Same objection. 21 BY MR. BADWAN: 22 Q It can't store numbers, but it can store 23 files I think is what your testimony was? 24 A That's what we were saying.</p>
<p style="text-align: right;">110</p> <p>1 system to place certain, but not all, phone calls to 2 persons indebted to Green Tree which calls were 3 connected to certain of its collection departments 4 or call centers." 5 Q Okay. So 2011 to 2014 Green Tree did use 6 predictive auto dialers. Correct? 7 MR. BLANKENSHIP: Well -- 8 BY MR. BADWAN: 9 Q Predictive dialing systems. I did not say 10 that on purpose. Predictive dialing systems. Correct? 11 A Yes, we used predictive dialing systems. 12 Q To the best of your knowledge do you know 13 if a predictive dialing system is an automatic 14 telephone dialing system? 15 MR. BLANKENSHIP: Object to the form of the 16 question. Calls for a legal conclusion. 17 BY MR. BADWAN: 18 Q To the best of your knowledge. 19 A I am not a lawyer so I can't say whether 20 it meets the ATDS definition or not. 21 Q All right. The statute defines ATDS. Is 22 the Aspect Unified Version 6.6 an equipment? 23 MR. BLANKENSHIP: Didn't we do this two hours 24 ago?</p>	<p style="text-align: right;">112</p> <p>1 Q And the files have numbers in them? 2 A They do. 3 Q Okay. And based on that file the predictive 4 dialing system can then reach out and get those numbers 5 to call them. Correct? 6 MR. BLANKENSHIP: Object to the form of the 7 question. 8 THE WITNESS: The predictive dialing system, it 9 doesn't reach out and get the numbers. I don't know 10 what words we settled on were okay, but it gets a file 11 within -- It's built, the -- 12 Q Criteria. 13 A -- custom criteria by a predictive dialer 14 administrator into callable lists. That's how it 15 works. 16 Q In order for a predictive dialing system 17 specifically the Aspect Unified IP Version 6.6, does 18 it need a -- can it make a phone call without a human 19 prompting it to make a phone call? 20 A It still requires a human being to start a 21 calling campaign. 22 Q Okay. But it doesn't require a human to 23 actually dial or click dial? 24 A Correct.</p>

<p style="text-align: right;">113</p> <p>1 Q Will you please read interrogatory --</p> <p>2 MR. BLANKENSHIP: You are up to 6.</p> <p>3 THE WITNESS: We just did 5.</p> <p>4 BY MR. BADWAN:</p> <p>5 Q We just did 5. And between 2011 to 2014</p> <p>6 the only predictive dialing system was the Aspect</p> <p>7 Unified IP Version 6.6. Correct?</p> <p>8 A Correct.</p> <p>9 Q Number 6. Please read the interrogatory</p> <p>10 and the response.</p> <p>11 A "State whether Green Tree has ever employed</p> <p>12 an ATDS to place phone calls to persons indebted to</p> <p>13 Green Tree in any of its premises, including but not</p> <p>14 limited to call centers, located in St. Paul,</p> <p>15 Minnesota."</p> <p>16 Answer to interrogatory number 6: "Green</p> <p>17 Tree objects to this interrogatory on the grounds that</p> <p>18 it is vague, overbroad, unduly burdensome and seeks</p> <p>19 information that is not relevant to this dispute or</p> <p>20 likely to lead to the discovery of admissible evidence</p> <p>21 in that it is not limited in time, it is not limited</p> <p>22 to the calls at issue in this case and is not limited</p> <p>23 to the collection departments or call centers at issue</p> <p>24 in this case. Green Tree further objects to this</p>	<p style="text-align: right;">115</p> <p>1 Q Okay. And does the office in St. Paul,</p> <p>2 Minnesota have a predictive dialing system?</p> <p>3 A There is one predictive dialing system at</p> <p>4 Green Tree.</p> <p>5 Q I believe -- Okay. Because does the</p> <p>6 St. Paul call center have access, can it use the</p> <p>7 predictive dialing system?</p> <p>8 A Yes, St. Paul could have access to the</p> <p>9 predictive dialing system.</p> <p>10 MR. BADWAN: Okay.</p> <p>11 MR. BLANKENSHIP: Just for the record I just</p> <p>12 noticed this myself. Obviously I copied this from --</p> <p>13 MR. BADWAN: Yeah.</p> <p>14 MR. BLANKENSHIP: It was not my intention.</p> <p>15 MR. BADWAN: And I saw that. That's why I am</p> <p>16 just kind of hashing it out.</p> <p>17 MR. BLANKENSHIP: That's fair enough.</p> <p>18 BY MR. BADWAN:</p> <p>19 Q So your response responded to Nashville,</p> <p>20 Tennessee. It should have been St. Paul because the</p> <p>21 interrogatory was directed to St. Paul?</p> <p>22 A Yes.</p> <p>23 Q So same answer as to St. Paul, Minnesota?</p> <p>24 That means -- So you are saying -- So the response</p>
<p style="text-align: right;">114</p> <p>1 interrogatory on the ground that the term 'ATDS' 'as</p> <p>2 defined by 47 U.S.C. 227(a)(1)' (see definitions</p> <p>3 contained in plaintiffs' interrogatories) has been</p> <p>4 subject to different interpretations and it is not</p> <p>5 clear what interpretation is intended by this</p> <p>6 interrogatory. Subject to and without waiving these</p> <p>7 objections, Green Tree states that it has at times</p> <p>8 used a predictive dialing system to place certain,</p> <p>9 but not all, phone calls to persons indebted to Green</p> <p>10 Tree which calls were connected to persons located</p> <p>11 at Green Tree's premises in Nashville, Tennessee."</p> <p>12 Q Okay. Thank you. Okay. Now, Green Tree</p> <p>13 testified -- Another representative from Green Tree</p> <p>14 testified at her deposition that the calls made to</p> <p>15 Mr. Robison were made from St. Paul, Minnesota. Can</p> <p>16 you confirm that or do you have any knowledge as to</p> <p>17 that?</p> <p>18 A No.</p> <p>19 Q Is it possible they could have been made</p> <p>20 from St. Paul, Minnesota?</p> <p>21 A It is possible.</p> <p>22 Q And why is that?</p> <p>23 A Because Green Tree has offices in St. Paul,</p> <p>24 Minnesota.</p>	<p style="text-align: right;">116</p> <p>1 is Green Tree at times has used a predictive dialing</p> <p>2 system to place calls to persons indebted to Green</p> <p>3 Tree from its premises in St. Paul, Minnesota?</p> <p>4 A In St. Paul, Minnesota.</p> <p>5 Q And that's correct?</p> <p>6 A Correct.</p> <p>7 MR. BLANKENSHIP: And it says to persons in</p> <p>8 St. Paul I think is what it actually says.</p> <p>9 BY MR. BADWAN:</p> <p>10 Q Connected to persons located at Green Tree's</p> <p>11 premises --</p> <p>12 A In St. Paul, Minnesota.</p> <p>13 MR. BLANKENSHIP: The calling agents in St. Paul</p> <p>14 would have been connected to a dialing campaign at</p> <p>15 times. That's the point there. Sorry about that.</p> <p>16 MR. BADWAN: No, that's fine.</p> <p>17 BY MR. BADWAN:</p> <p>18 Q Moving on. Almost done. Bear with me.</p> <p>19 We have two more. Number 7. Would you please read</p> <p>20 it?</p> <p>21 A "State whether Green Tree has ever employed</p> <p>22 an ATDS to place phone calls to plaintiffs to the</p> <p>23 numbers (847) 553-5901 from December 8, 2011 until</p> <p>24 October 10, 2014. If no, please state why the system</p>

<p style="text-align: right;">117</p> <p>1 employed to make the phone calls to plaintiffs is 2 not an ATDS." 3 "Green Tree objects to this interrogatory 4 on the ground that the term 'ATDS' 'as defined by 5 47 U.S.C. 227(a)(1)' (see definitions contained in 6 plaintiffs' interrogatories) has been subject to 7 different interpretations, and it is not clear what 8 interpretation is intended by this interrogatory. 9 Subject to and without waiving this objection, Green 10 Tree states that it has not employed a predictive 11 dialing system to place phone calls to number (847) 12 553-5901 during the period of December 8, 2011 to 13 October 10, 2014." 14 Q Okay. So the method that we talked -- Is 15 that accurate by the way? I'm sorry. I need to go 16 back. Is your response accurate? 17 A Yes. 18 Q Do you want to change it for any reason? 19 A No. 20 Q All right. So we talked about the four 21 components that are required to make a phone call, 22 the I Series, the soft phone or hard phone, the UCSe 23 and a human. Correct? 24 A Uh-huh.</p>	<p style="text-align: right;">119</p> <p>1 A "Green Tree periodically recorded certain, 2 but not all, phone calls with persons indebted to 3 Green Tree beginning on June 30, 2013 for quality 4 assurance. Green Tree began efforts to record all 5 phone calls with persons indebted to Green Tree on 6 January 2, 2014." 7 Q Do you see a problem from what you just 8 told me and the response to your interrogatory, how 9 it's conflicting? 10 A I do. 11 Q Okay. Which one is right? Which answer 12 is right? 13 A They're both correct. However -- 14 Q That's impossible. Okay. Tell me why. 15 A Here's the deal. Green Tree used a variant 16 Witness call recording system for nine years until 17 2013. So the answer is we recorded but not retained 18 calls for over nine years or well over ten years. 19 Q Okay. But interrogatory 8 does not talk 20 about retained. It says recording of phone calls. 21 A Recorded a portion of phone calls for more 22 than ten years. 23 Q Okay. So do you want to change the response 24 to interrogatory number 8? Because based on what you</p>
<p style="text-align: right;">118</p> <p>1 THE COURT REPORTER: Is that yes? 2 THE WITNESS: Yes. Sorry. 3 BY MR. BADWAN: 4 Q As a whole -- They work as a whole, correct, 5 meaning that all the elements are required in order 6 to make a call? Correct? 7 A In order to make a manual -- In order to 8 make a manual attempted outbound contact call. Right? 9 Q Okay. All right. Does Green Tree record 10 its calls? 11 A Yes. 12 Q When did it start doing that? 13 A Green Tree has been recording telephone calls 14 for ten years roughly. 15 Q Okay. Do you know if any of these calls were 16 recorded to Mr. Robison? 17 A I do not know if any of these calls were 18 recorded. 19 Q Okay. I want you to read interrogatory 20 number 8, please. 21 A "State the date in which Green Tree's 22 collections department commenced the recording of 23 phone calls with persons indebted to Green Tree." 24 Q Read your answer.</p>	<p style="text-align: right;">120</p> <p>1 just told me it's false. 2 A "State the date in which Green Tree's 3 collections department commenced the recording of 4 phone calls with persons indebted to Green Tree." I 5 don't know the date. Ten years ago -- 6 Q Okay. 7 A -- when we commenced the partial recording of 8 phone calls with the Witness system. 9 Q But here it says it started on June 20th, 10 2013, not ten years ago. You want to correct that? 11 Less than three or four. Right? 12 A Right. 13 Q So is it your testimony today that the 14 answer to interrogatory 8 is false? Is it a 15 misrepresentation of the truth? 16 A Yes. 17 Q Okay. And you signed your name certifying 18 that all the answers are true, correct, on page 6 of 19 Exhibit 3 or C? 20 A I did. 21 Q So why are you giving different responses 22 different times? 23 A I may have misunderstood the question. 24 Q Okay. So if we were -- So you're under</p>

<p style="text-align: right;">121</p> <p>1 oath today and you're certifying under oath that 2 Green Tree has recorded calls for ten years? 3 A Has recorded some collection calls for ten 4 years. 5 Q And what do they do with the recorded calls? 6 A Currently or ten years ago? 7 Q Between 2008 and 2013. 8 A They were only used by the quality manage- 9 ment group to evaluate agents. 10 Q Okay. So how did they choose which calls 11 to record and which calls not to? 12 A It was random. 13 Q Now, do you know if any calls were recorded 14 that were placed to Mr. Robison? 15 A For which time period? 16 Q 2008 to 2013. 17 A I do not know. And -- No, I don't know. 18 MR. BADWAN: Okay. 19 MR. BLANKENSHIP: I am serious. There were no 20 recordings. 21 MR. BADWAN: You have to either amend it or do 22 something. 23 MR. BLANKENSHIP: We'll amend it. But he also 24 already told you anything before June -- the new</p>	<p style="text-align: right;">123</p> <p>1 affirmative defense saying that they had consent to 2 call him. Okay? Can you call someone with the 3 predictive dialing system if you don't have their 4 consent? 5 MR. BLANKENSHIP: Objection, calls for a legal 6 conclusion. 7 BY MR. BADWAN: 8 Q You can answer the policy of Green Tree. 9 Are you allowed to call people -- Are you allowed to 10 put a number into the predictive dialing system that 11 the person does not want to be called? 12 A Like for what purpose and which phone 13 number? 14 Q Cell phone and for collections. 15 A So are you allowed to place a predictive 16 dial to a person's cell phone for the purposes of 17 collecting a debt? 18 Q Yes. 19 A No, we do not. 20 Q So Green Tree did not call any of its 21 borrowers on their cell phones using a predictive 22 dialing system? 23 A Without consent. 24 Q Okay. How do you know if that number --</p>
<p style="text-align: right;">122</p> <p>1 system that was in place in 2013, those records have 2 long since -- I mean they don't exist. 3 BY MR. BADWAN: 4 Q What happened to those records? 5 A That's true; they are not retained. 6 Q But we filed this case -- 7 MR. BLANKENSHIP: In 2014, '13. Yeah. 8 THE WITNESS: They weren't retained even when 9 it was a live application. They were used to get a 10 sample of recorded calls for the purposes of quality 11 monitoring, not retained. 12 MR. BADWAN: Okay. Fair enough. We'll move 13 on. We're almost done. Two very short exhibits. 14 Exhibit D. 15 (Whereupon, a document was marked as 16 Exhibit D for identification.) 17 BY MR. BADWAN: 18 Q Mr. Sparks, have you ever seen this document 19 before? 20 A I don't believe so. 21 Q Okay. Do you know what it is? 22 A I do not. 23 Q Well, Green Tree amended its answer to 24 Mr. Robison's complaint to say that -- to raise an</p>	<p style="text-align: right;">124</p> <p>1 there's consent for this number but not this number? 2 A It's checked in the host system, consent 3 is. 4 Q How do you get consent? 5 A A verbal, written. I don't know. Either 6 or. 7 Q So you don't decide which number is consented 8 and which number is not. Correct? 9 A It's passed to me from the host system, 10 the I Series. 11 Q Okay. Now, does Green Tree use predictive 12 dialing systems to call people who are not borrowers? 13 So if it is not a customer and has no relationship 14 with Green Tree. 15 A No. 16 Q No? 17 A No. 18 Q So if I was a borrower with Green Tree and 19 I am delinquent and that's the criteria you put in a 20 predictive dialing system, will my wife ever get a 21 call? 22 A Is your wife on the loan? 23 Q No, sir. 24 A Then she would not get a call unless you</p>

<p style="text-align: right;">125</p> <p>1 placed her phone number as your phone number on your 2 loan. 3 Q Okay. Would it surprise you to tell you 4 that Mr. Robison's father-in-law was getting phone 5 calls from Green Tree and he was not on the loan? 6 A Yes. 7 Q Okay. And would it surprise you to find 8 out that his girlfriend, Melissa Wexler, was receiving 9 phone calls from Green Tree and she wasn't on the 10 loan? 11 A It would surprise me if they were being 12 made from a predictive dialer. 13 Q Okay. And why -- So do agents then call 14 people that are not on the loan? Is that typical? 15 A I can't speak for a collection policy. I 16 don't know. 17 Q Okay. So you are telling me in your four 18 years' experience in Green Tree you have never seen 19 the predictive dialer call someone that's not a 20 borrower? 21 A The predictive dialer only can call -- will 22 only call whatever phone number is on the account. 23 Q Okay. So whatever number it's fed. The 24 file feeder. The file has numbers. Correct?</p>	<p style="text-align: right;">127</p> <p>1 deposition was continued as follows:) 2 BY MR. BADWAN: 3 Q So do you know what this document is, 4 Mr. Sparks? Have you ever seen it? 5 A This is an account history for Latitude. 6 Q What is Latitude? 7 A Latitude is -- Latitude is the system that 8 is just like UCSe because we have talked about that 9 a lot already, right -- 10 Q Uh-huh. 11 A -- but for the ARM group. 12 Q And ARM is asset recovery? 13 A Asset recovery management, yeah. 14 Q Okay. How do you know that that's what this 15 document is? 16 A How do I know? 17 Q Yes. 18 A I guess because of just the way it looks. 19 Q Okay. So you have seen a document that 20 looks similar to this. You know what it is. You're 21 able to identify it. Right? 22 A Yeah. Well, I have seen Latitude notes. 23 Q All right. Now, the collection comment 24 list, you looked at it and you told me that none of</p>
<p style="text-align: right;">126</p> <p>1 A Okay. Right, right, right. 2 Q So whatever number is in the file it'll 3 call. 4 A For the applicant home phone number, the 5 co-applicant home phone number. Right, those. Any 6 additional phone numbers that aren't part of those 7 primary fields it will not call. 8 Q Okay. Fair enough. Your testimony is that 9 Mr. Robison's account -- Mr. Robison was never called 10 using a predictive dialing system, is that correct, 11 based on Exhibit B which was the collection list? 12 A He was never called using the predictive 13 dialing system during the time period. 14 Q Between two thousand -- December 8th, 2011 15 and July 2nd, 2013. Correct? 16 A Correct. 17 MR. BADWAN: All right. Now, I want to show you 18 an exhibit -- a document that Green Tree produced in 19 discovery. Okay? This will be marked as Exhibit E. 20 (Whereupon, a document was marked as 21 Exhibit E for identification.) 22 MR. BADWAN: Let's take a break for a minute to 23 make a copy. 24 (Following an interruption the</p>	<p style="text-align: right;">128</p> <p>1 those calls were made using the predictive dialing 2 system. Correct? 3 A Right. 4 Q Now, according to this document which is 5 Green Tree's own document -- this is where we got 6 this document -- I want to direct your attention to 7 the date of February 11th, 2012. You see that where 8 it says date and time in the left column? 9 A Yes. 10 Q At 9:31 a.m. it says user. And what does 11 it say there in that column? 12 A Dialer. 13 Q What does that mean? 14 A I would imagine it means that a call was 15 placed using the automated or the predictive dialer. 16 Q Okay. So a call was made using the Aspect 17 Unified IP Version 6.6. Correct? 18 A Right. 19 Q Now, why does this call not show up on here 20 -- on Exhibit B, the collection comment list? 21 A Because that collection comment list is 22 UCSe history and this is Latitude ARM. 23 Q So this is not a complete list of all the 24 phone calls then? (indicating)</p>

<p style="text-align: right;">129</p> <p>1 A It's a complete list of all the collections 2 phone calls. 3 Q Okay. But you told me if an auto dialer 4 calls this account it's going to show up as SYS if no 5 one picks up; and if they do pick up it's going to say 6 the initials followed by AppCP. Correct? 7 A Right. 8 Q But if I go to February 11th on this list 9 or February -- yeah, February 11th, 2012 there is 10 neither of those. But here you just testified that 11 a dialer most likely called on that date. 12 A Correct. 13 Q But why isn't it on here? (indicating) 14 A Because it's a different system. 15 Q So this is not a complete list of the calls. 16 (indicating) 17 A It is a complete list -- 18 Q Is this a complete -- Is Exhibit B a 19 complete list of all calls made to Green Tree -- made 20 to Mr. Robison by Green Tree between December 8th, 2011 21 and July 2nd, 2013? 22 A You would need the Latitude history too. 23 MR. BADWAN: Okay. 24 MR. BLANKENSHIP: That's why we produced both.</p>	<p style="text-align: right;">131</p> <p>1 Q Okay. Now, is that Mr. Robison's number? 2 A I don't know. 3 Q Then how were you able to answer interroga- 4 tory number -- If you don't know if that's his number 5 and Green Tree's own records show you used an auto 6 dialer to call a number on that account, how do you 7 know it was not Mr. Robison's number? 8 MR. BLANKENSHIP: Object to the form of the 9 question. You started talking about interrogatories 10 that were keyed to specific numbers. What are you 11 asking? You seem to be trying to impeach an interroga- 12 tory answer with a different -- by mischaracterizing 13 the interrogatory. 14 MR. BADWAN: Okay. You know, strike that. 15 BY MR. BADWAN: 16 Q You testified that Green Tree does not call 17 non-borrowers using a predictive dialing system. 18 Correct? Correct? 19 A Correct. 20 Q Is the number listed on February 11th, 2012 21 on Exhibit E a borrower? 22 A What I would need to know is what phone 23 field the 299-0199 phone number resided in on 24 February 11th, 2012.</p>
<p style="text-align: right;">130</p> <p>1 BY MR. BADWAN: 2 Q Okay. But doesn't that conflict with your 3 answer? You were asked whether Green Tree ever 4 called Mr. Robison using -- Your answer says that 5 you never called Mr. Robison using a predictive dialing 6 system between 2008 and 2013. 7 MR. BLANKENSHIP: Objection. The interrogatory 8 was specific to a phone number and that's not the 9 phone number that appears on Exhibit E. You asked 10 for his cell phone number. This is his home phone 11 number. 12 MR. BADWAN: Looks like Miss Colm has a nice 13 claim here. 14 BY MR. BADWAN: 15 Q Okay. Do you know what Mr. Robison's phone 16 number is, Mr. Sparks? 17 A No, I don't. 18 Q Okay. Whose phone number is there then? 19 A Where? 20 MR. BLANKENSHIP: Where? 21 BY MR. BADWAN: 22 Q On Exhibit E on February 11th, 2012. 23 A February 11th, 2012 the number dialed shows 24 (630) 299-0199.</p>	<p style="text-align: right;">132</p> <p>1 Q What do you mean? Why does it matter where 2 it resided? You said it would never call a person 3 that was not a borrower. Why does residence have 4 anything to do with this? 5 A Well, the dialer only knows which phone 6 field that number is assigned to, a borrower's home 7 phone number, a borrower's cell phone number, a 8 co-borrower's home phone number. Those are the only 9 numbers the predictive dialer ever sees. So to answer 10 this question I would need to know where this phone 11 number was on this day because it's possible they 12 moved them around. They can be deleted or moved or 13 added. 14 Q All right. This is not Mr. Robison's phone 15 number. Okay? And your testimony was that if it 16 says dialer that means that a predictive dialing 17 system called it. Correct? 18 MR. BLANKENSHIP: I object to the form of the 19 question. It lacks foundation. We don't know whose 20 number that is. 21 BY MR. BADWAN: 22 Q So a predictive dialing system was used to 23 call on February 11th, 2012 the phone number (630) 24 299-0199. Is that correct?</p>

<p style="text-align: right;">133</p> <p>1 A Yes.</p> <p>2 Q And how many phone calls? Is it one on that</p> <p>3 day?</p> <p>4 A February 11th, 2012, yes.</p> <p>5 Q Okay. And I will make this nice and short</p> <p>6 and simple. On Exhibit E anywhere you see user and</p> <p>7 it says dialer, does that mean that the predictive</p> <p>8 dialing system made the phone call?</p> <p>9 A Yes.</p> <p>10 Q Yes?</p> <p>11 A Yes.</p> <p>12 Q Okay. Does the fact that an auto dialer</p> <p>13 was used -- I'm sorry -- a predictive dialing system</p> <p>14 was used to call a number on the Robison account,</p> <p>15 does that surprise you?</p> <p>16 A Am I surprised we used a predictive dialer</p> <p>17 to call --</p> <p>18 Q A number that is not Mr. Robison's.</p> <p>19 MR. BLANKENSHIP: Object to the form of the</p> <p>20 question.</p> <p>21 MR. BADWAN: I am telling you.</p> <p>22 MR. BLANKENSHIP: You can tell me, but that</p> <p>23 doesn't make it true.</p> <p>24</p>	<p style="text-align: right;">135</p> <p>1 (Whereupon, the following was read:)</p> <p>2 "Q Okay. Would it shock</p> <p>3 you -- And if you want to object,</p> <p>4 that's fine. Answer the question.</p> <p>5 Would it shock you to know that a</p> <p>6 predictive dialing system was</p> <p>7 employed here to call the number</p> <p>8 (630) 299-0199 which was not</p> <p>9 Mr. Robison's number? I am</p> <p>10 telling you right now. Would it</p> <p>11 shock you?</p> <p>12 A I don't know if I would</p> <p>13 be shocked. It doesn't shock me</p> <p>14 we used the predictive dialer to</p> <p>15 call a phone number that was on</p> <p>16 the account for Mr. Robison."</p> <p>17 BY MR. BADWAN:</p> <p>18 Q You're so sure that a predictive dialing</p> <p>19 system was not used to call Mr. Robison is what you</p> <p>20 said. Correct? You said no predictive dialing calls</p> <p>21 were made to Mr. Robison. Correct, Mr. Sparks?</p> <p>22 A Yes.</p> <p>23 Q Okay. But then you testified right now that</p> <p>24 it doesn't shock you that a predictive dialing system</p>
<p style="text-align: right;">134</p> <p>1 BY MR. BADWAN:</p> <p>2 Q Okay. Would it shock you -- And if you</p> <p>3 want to object, that's fine. Answer the question.</p> <p>4 Would it shock you to know that a predictive dialing</p> <p>5 system was employed here to call the number (630)</p> <p>6 299-0199 which was not Mr. Robison's number? I am</p> <p>7 telling you right now. Would it shock you?</p> <p>8 MR. BLANKENSHIP: Object to the form of the</p> <p>9 question.</p> <p>10 BY MR. BADWAN:</p> <p>11 Q Please answer.</p> <p>12 A I don't know if I would be shocked. It</p> <p>13 doesn't shock me we used the predictive dialer to</p> <p>14 call a phone number that was on the account for</p> <p>15 Mr. Robison.</p> <p>16 Q It doesn't shock you to know that it --</p> <p>17 So a predictive dialing system was -- It does not</p> <p>18 shock you to know that the predictive dialing system</p> <p>19 was used to call a number on that account.</p> <p>20 A No.</p> <p>21 MR. BADWAN: Is that what you said? Okay.</p> <p>22 Sorry. Repeat your statement. What was his answer?</p> <p>23 Let's do that. What was my question and what was</p> <p>24 his answer?</p>	<p style="text-align: right;">136</p> <p>1 was used to call a number on that account. Correct?</p> <p>2 A Correct.</p> <p>3 Q Do you see a problem there?</p> <p>4 A No.</p> <p>5 Q So how can you be so certain of your answer</p> <p>6 about never calling Mr. Robison's account using a</p> <p>7 predictive dialing system?</p> <p>8 A Calling his account or calling Mr. Robison?</p> <p>9 Q Mr. Robison.</p> <p>10 A Resulting in a contact. Because -- I can</p> <p>11 be certain of my answer because when I look up the</p> <p>12 answers for the interrogatory I don't look in here</p> <p>13 (indicating); I look on the dialer servers.</p> <p>14 Q So we have established that Exhibit B,</p> <p>15 which is the collection comment list, is not actually</p> <p>16 a full list of that account. Correct?</p> <p>17 A For this particular account, which happened</p> <p>18 to go to ARM for servicing at the some point, then</p> <p>19 you would need the record from Latitude as well. On</p> <p>20 the majority of accounts that never result in activity</p> <p>21 from ARM UCSe is the primary servicing application.</p> <p>22 Q So there could be other calls that are not</p> <p>23 on here -- on Exhibit B.</p> <p>24 A Yeah. They're on Exhibit E.</p>

<p style="text-align: right;">137</p> <p>1 Q Okay. So it's not a complete history is 2 the answer. It is not a complete history of the 3 account history between Mr. Robison and Green Tree. 4 A What's not? 5 Q Because if it was the collection -- the 6 collection comment list -- There could have been 7 calls made to Mr. Robison or on the Robison account 8 that are not reflected in Exhibit B. Correct? 9 A Correct. 10 Q Okay. And so hypothetically there could 11 have been made some -- the predictive dialing system 12 could have been employed to call Mr. Robison; it 13 just wasn't on Exhibit B. 14 A It would be on B -- A predictive dialing 15 system call would either end up on Exhibit B or 16 Exhibit E. 17 Q Is there anything else that I need to know 18 about that that might reflect the calls? 19 A Nothing that I have ever been aware of. 20 UCSe, Latitude interfaces to the same spot, the I 21 Series. That is still your system of record. 22 Q Okay. Do you remember when I asked you 23 will the predictive dialing system ever call someone 24 that's a non-borrower and you said no? Do you recall</p>	<p style="text-align: right;">139</p> <p>1 skip tracing options in place always. 2 Q Okay. Now, does Green Tree call numbers 3 it finds as a result of skip tracing? 4 A Yes. 5 Q Does it make those phone calls using a 6 predictive dialing system? 7 A It can. 8 Q It can? 9 A It can, yeah. 10 Q Okay. All right. So we know based on 11 Exhibit E that on the Robison account -- a predictive 12 dialing system was used on the Robison account on at 13 least twenty calls. 14 A Okay. 15 Q Will you please count those? Is that 16 correct? 17 A Yeah, that's correct. I see them here. 18 Q Okay. 19 A Which doesn't change my answer to the 20 interrogatory because when I searched for the call 21 record I searched by phone number, not by account. 22 Q Sure. That makes sense. But the Robison 23 account in general -- A predictive dialing system 24 was employed to make phone calls relating to this</p>
<p style="text-align: right;">138</p> <p>1 that? 2 MR. BLANKENSHIP: Object to the form of that 3 question. I think it misstates his testimony. 4 BY MR. BADWAN: 5 Q I asked you -- I asked you would it shock 6 you to know that Mr. Robison's father-in-law was 7 receiving calls from Green Tree, and I forgot how 8 you responded. So the predictive dialing system can 9 call people not on the account. Correct? It's 10 possible? 11 A It can call a phone number to somebody who 12 is on the account. 13 Q Okay. But it can also call someone that 14 is not a borrower. 15 A If the borrower put that other person's 16 phone number on the account. 17 Q Does Green Tree use skip tracing? 18 A They do. 19 Q What's skip tracing? 20 A Skip tracing is an effort to find an 21 alternative way to contact a customer. 22 Q Okay. And does Green Tree -- did it use 23 skip tracing in 2011 and 2013? 24 A I believe they have -- Green Tree has had</p>	<p style="text-align: right;">140</p> <p>1 account, the Robison account. Correct? 2 A Correct. 3 MR. BADWAN: Paul, do you have anything else on 4 Robison? 5 MR. BACH: No. 6 MR. BADWAN: Lunch? 7 (Following an lunch recess the 8 deposition was continued as follows:) 9 BY MR. BADWAN: 10 Q Let's start with Brencis now. Mr. Sparks, 11 we finished up the Robison case before we broke for 12 lunch. Now we're going to talk about Gints Aris 13 Ethan Brencis and Larisa Mara Brencis vs. Green Tree 14 Servicing, LLC, case number 14 CV 02079. Do you 15 recall when you learned about this lawsuit? 16 A I do not. 17 Q Okay. But you know there is a lawsuit 18 pending. Correct? 19 A Yes. 20 Q Okay. The relevant time period for this 21 case is going to be April 30th, 2012 until June 20th, 22 2013. So any time I talk about something it's going 23 to be that time period. 24 A Okay.</p>

<p style="text-align: right;">141</p> <p>1 Q Okay? And if you forget at any point just 2 ask me to clarify. I forget all the time too with all 3 these cases. Okay. Now, starting April 30th of 2012 4 were you employed by Green Tree? 5 A Yes. 6 Q All right. And were you the systems manager 7 at that point or no? 8 A 2012? I was a systems manager in November, 9 2012. 10 Q Okay. So you were still the predictive 11 dialing system administrator. Correct? 12 A Yes. 13 Q And do you know if Green Tree made any 14 outgoing calls to Mr. and Mrs. Brencis between April 15 30th, 2012 and June 20th, 2013? 16 A If I can look at the record I can tell you. 17 Q Okay. And I will give you the record in one 18 second. Do you know which call center those phone 19 calls would have been made from if there are any? 20 A Oh, no, I do not. 21 Q Okay. Would it help you if I gave you the 22 call records that Green Tree produced to us? 23 A It probably would, yes. 24 (Whereupon, a document was marked as</p>	<p style="text-align: right;">143</p> <p>1 predictive dialing system between those time periods? 2 A They did. 3 Q Okay. And do you know if any of the calls 4 made to Mr. or Mrs. Brencis according to the collection 5 comment list were made using a predictive dialing 6 system? 7 A I believe they were. 8 Q Okay. Could you tell me which calls? Give 9 me the dates. 10 A The dates -- It would be much easier if 11 you would reference the dates I provided in the 12 interrogatories for Brencis. 13 MR. BADWAN: Let me introduce Exhibit G. 14 (Whereupon, a document was marked as 15 Exhibit G for identification.) 16 BY MR. BADWAN: 17 Q Exhibit G that I am handing to Mr. Sparks 18 is Green Tree's responses to plaintiffs' interroga- 19 tories. This is the second set of interrogatories 20 to be specific. Mr. Sparks, have you seen this 21 document before? 22 A I have. 23 Q And what is it? 24 A It's the answer of Green Tree Servicing to</p>
<p style="text-align: right;">142</p> <p>1 Exhibit F for identification.) 2 BY MR. BADWAN: 3 Q I am handing Mr. Sparks Exhibit F which is 4 the collection comment list produced by Green Tree 5 in the Brencis matter. Mr. Sparks, have you ever seen 6 this document before? 7 A Yes, I have. 8 Q When did you see this document? 9 A I reviewed this document with counsel. 10 Q Okay. And when was that? Was that numerous 11 times? Was it one time? 12 A It was yesterday. 13 Q Okay. And what information on -- What 14 information does that document contain? 15 A This document contains the collection comment 16 record for UCSe. 17 Q Okay. And do you recognize this as a Green 18 Tree document? 19 A Yes. 20 Q Okay. And is this document kept in the 21 ordinary course of business? 22 A It is. 23 Q Okay. All right. Now, between April 30th 24 of 2012 to June 20th, 2013 did Green Tree use a</p>	<p style="text-align: right;">144</p> <p>1 the second set of interrogatories for Brencis vs. 2 Green Tree Servicing. 3 Q Okay. And I want to refer you to page 7 -- 4 looks like page 8 of Exhibit G. Are you there? 5 A Yeah. 6 Q Do you see a signature there? 7 A Yes. 8 Q Is that your signature? 9 A It is. 10 Q Did you provide the answers to your 11 attorney for him to prepare this document? 12 A I did. 13 Q Okay. How long ago was that approximately? 14 A I am not sure. 15 Q Within the last two months? 16 A Within the past few months, yes. 17 Q Okay. 18 A It is dated October 9th, October 9th, 2014. 19 Q Does that seem accurate? 20 A Yes. 21 Q Okay. And at the time you provided these 22 responses it was in your capacity as systems manager? 23 A It was. 24 Q Okay. Now, before introducing Exhibit G</p>

<p style="text-align: right;">145</p> <p>1 my question was which calls made to Mr. or Mrs. Brencis 2 between April 30th, 2012 and June 20th, 2013 were made 3 using a predictive dialing system. 4 A Okay. And did you want to start with the 5 oldest call first or the newest? 6 Q Let's start with the oldest and you can go 7 to the newest. 8 A All right. The oldest call is on 9/8/2011. 9 MR. BADWAN: Okay. That would fall outside of 10 the relevant time period. So I want to know only 11 about the calls between April 30th, 2012 to June 12 20th, 2013. Will you stipulate there were some calls 13 made prior to the relevant dates with the predictive 14 dialing system? 15 MR. BLANKENSHIP: Yes, I think this list is 16 accurate. 17 THE WITNESS: Oh, okay. So we want to start -- 18 April 30th, 2012 would put us with the earliest call 19 as 8/7/2012. 20 BY MR. BADWAN: 21 Q 8/7/2012. Let me find that one. 22 A 8/7/2012. It's on page 27 of Exhibit -- 23 I don't know. Whatever the exhibit number is. 24 Q And what was the time?</p>	<p style="text-align: right;">147</p> <p>1 A Applicant's cell phone. 2 Q So that call would have resulted by the 3 predictive dialing system making a call, and then 4 once Mr. or Mrs. Brencis -- a human picks up then it 5 would transfer it to a live agent at Green Tree? 6 A Yes. And the live agent would be agent 516 7 probably. 8 Q Now, I notice on these collection comment 9 lists some initials are numbers and some initials are 10 letters. Can you tell me the difference or why that 11 is if you know? 12 A I do not know why there is a difference in 13 naming convention. 14 Q That's fair. All right. Do you know if 15 this call was made after or before Mr. or Mrs. 16 Brencis filed bankruptcy? 17 A I do not. 18 Q Okay. The general system at Green Tree, 19 if someone files a bankruptcy is the predictive 20 dialing system supposed to call them? 21 A The predictive dialing system will call 22 what are known as blue BKs. 23 Q Do you know what blue BKs are? I actually 24 know this.</p>
<p style="text-align: right;">146</p> <p>1 A 13:28:19 is the time. 2 Q Okay. Now, you indicated in your previous 3 testimony here today that you would be able to identify 4 a predictive dialing system call by the initials SYS. 5 Correct? 6 A I can identify a predictive dialer system 7 call that doesn't result in a contact by the initials 8 SYS. 9 Q Okay. Thanks for the clarification. Okay. 10 So this -- So the phone call made on 8/7/12 at 11 13:28:19 is using -- a predictive dialing system was 12 used. Correct? 13 A That's correct, as identified by the phone 14 field at the start of the collection comment list. 15 You will see in this particular case it starts with 16 AppCP. 17 Q Uh-huh. 18 A That's a system phone field. Applicant's 19 cell phone is what it stands for. That comment is 20 placed there as a result of a predictive dialer call. 21 Q Is that internal code so only someone at 22 Green Tree would know what that means? 23 A Yes. 24 Q What does that stand for?</p>	<p style="text-align: right;">148</p> <p>1 A I am not the most qualified to answer on 2 the difference between a red and blue BK. What I 3 can say is that this is all tracked systematically 4 in the whole system and passed to the predictive dialer 5 via codes, fields which would reference whether to 6 call or not call. 7 Q So you could put a criteria into the 8 predictive dialing systems that says blue BKs with 9 an amount of delinquency, like over two days. 10 Because remember now you testified earlier that 11 you -- 12 A Right. 13 Q -- you could put a criteria so that way 14 you could target the audience or the calls who 15 they're made to. Is that one of them? You could 16 get blue BKs as one criteria? 17 A I could identify blue BKs and segregate 18 them if I want to. 19 Q At that point you would put them in a file 20 and shoot them over to the predictive dialing system. 21 Right? 22 A I could, yes. 23 Q Now, if someone had filed bankruptcy and 24 received a discharge would they be a blue BK?</p>

<p style="text-align: right;">149</p> <p>1 A I don't know.</p> <p>2 Q Fair enough. Okay. What's the next call</p> <p>3 that was made with the predictive dialing system?</p> <p>4 A We have four calls made on 11/12/2012</p> <p>5 starting at 9:38:45. 11/12/2012.</p> <p>6 Q 11/12/2012?</p> <p>7 A Yeah. It's page 24. Starting at 9:38 these</p> <p>8 four calls are all in a row in the collection comment,</p> <p>9 9:38, 12:42, 14:14 and 16:14. These are all predictive</p> <p>10 dialer calls which did not result in a contact.</p> <p>11 Q Okay. And how do you know that?</p> <p>12 A The initials on these say SYS. And in the</p> <p>13 collection -- in the comment column you will see the</p> <p>14 number that was attempted and then the result of that</p> <p>15 attempt which in all four of these cases was an</p> <p>16 answering machine was detected and no message was</p> <p>17 left.</p> <p>18 Q Okay. Now, do you know why sometimes the</p> <p>19 Brenois account and phone numbers were put into the</p> <p>20 predictive dialing system and sometimes they weren't?</p> <p>21 Because if you look at the day after it appears that</p> <p>22 the collection call list says that a call was made</p> <p>23 but that has the initial of DAR. Now, what does that</p> <p>24 mean to you?</p>	<p style="text-align: right;">151</p> <p>1 Q Do you ever decide what gets put into the</p> <p>2 predictive dialing system?</p> <p>3 A Put into the predictive dialing system?</p> <p>4 Q Yes, the criteria. Who chooses the criteria?</p> <p>5 A The criteria for determining what is called</p> <p>6 on a predictive dialer is the result of a strategy,</p> <p>7 what we call a strategy or where -- It's a multitude</p> <p>8 of factors. It's based on delinquency, strategy</p> <p>9 where accounts are scored and weighted to determine</p> <p>10 their likelihood to pay or not, the quality of their</p> <p>11 creditworthiness. You know, all the usual type of</p> <p>12 risk analysis that you do when you are offering a</p> <p>13 loan to somebody, we're doing the same types of</p> <p>14 weights in servicing these loans for people.</p> <p>15 Q Okay. So the higher someone's credit score</p> <p>16 the more likely they are to pay in your opinion?</p> <p>17 A We don't use a credit score.</p> <p>18 Q What do you use?</p> <p>19 A Everything is custom-built analysis.</p> <p>20 Q So it's internal Green Tree-specific</p> <p>21 analysis?</p> <p>22 A Scoring model, yes.</p> <p>23 Q Scoring model. Do you know what the scoring</p> <p>24 model takes into consideration?</p>
<p style="text-align: right;">150</p> <p>1 A The very next call after those calls, this</p> <p>2 call you're referencing 11/13/2012?</p> <p>3 Q Yes.</p> <p>4 A So what this shows me is that we attempted</p> <p>5 again the next morning the same phone number we</p> <p>6 attempted the day before as our first attempt for that</p> <p>7 day. And this is the applicant's cell phone. It's</p> <p>8 a dialer call.</p> <p>9 Q It is a dialer call. Okay.</p> <p>10 A Referenced by that AppCP at the start of</p> <p>11 the collection comment which was then passed to the</p> <p>12 agent DAR.</p> <p>13 Q Okay. I guess I did a poor job of asking</p> <p>14 the question the proper way. What dictates whether</p> <p>15 a call is going to be made using a predictive dialing</p> <p>16 system or whether it's going to be manually dialed?</p> <p>17 When I say manually dialed I mean using the click</p> <p>18 system.</p> <p>19 A There's no universal rule for that that</p> <p>20 answers that question. The answer is there's a</p> <p>21 hundred answers to that question really.</p> <p>22 Q Okay. Was it you who decided for this</p> <p>23 account on that day?</p> <p>24 A No.</p>	<p style="text-align: right;">152</p> <p>1 A I do not.</p> <p>2 Q You do not. Okay. And was that call made</p> <p>3 to a cell phone, that 11/13/12 call?</p> <p>4 A Yes.</p> <p>5 Q And how do you know it was a cell phone?</p> <p>6 A It says applicant's cell phone is the</p> <p>7 number attempted. That's the first five characters</p> <p>8 in the comment field.</p> <p>9 Q Oh, I see. Shorthand.</p> <p>10 A Yes, shorthand.</p> <p>11 Q Let's look at the November 12, 2012 calls</p> <p>12 where the system -- the predictive dialing system</p> <p>13 made the attempts to call Mr. or Mrs. Brenois but</p> <p>14 there is no -- it didn't connect with a live human.</p> <p>15 A Right.</p> <p>16 Q How do you know if that's a cell phone or</p> <p>17 a land line?</p> <p>18 A I would need to look these up.</p> <p>19 Q Okay. Let's go to the next call.</p> <p>20 A 1/16/2013.</p> <p>21 Q Okay. Page 18 at 18:40:56. What was the</p> <p>22 date? I'm sorry.</p> <p>23 A 1/16/2013. The time is 18:40.</p> <p>24 Q Okay. And was that a call made using a</p>

<p style="text-align: right;">153</p> <p>1 predictive dialing system?</p> <p>2 A Yes.</p> <p>3 Q And it was to Mr. or Mrs. Brencis?</p> <p>4 A It was to 743-3837.</p> <p>5 Q Now, is it possible for the collection</p> <p>6 comment list to reflect an outgoing call made to a</p> <p>7 party that's not a borrower? And the reason I ask</p> <p>8 that is because if you recall the Robison case some</p> <p>9 of the calls made to the non-borrower did not reflect</p> <p>10 -- did not show up on the collection comment list.</p> <p>11 So is the collection comment list going to have all</p> <p>12 phone calls made on that account?</p> <p>13 MR. BLANKENSHIP: I just object to the preface</p> <p>14 of that question because I don't know that those are</p> <p>15 facts that you stated about a call to a non-borrower</p> <p>16 not appearing. But the rest of your question is</p> <p>17 fair. Does the comment list reflect calls to a</p> <p>18 non-borrower? Is that your question?</p> <p>19 BY MR. BADWAN:</p> <p>20 Q Yes, right. Is it going to reflect calls</p> <p>21 to every single call made on that account, every single</p> <p>22 outgoing and incoming call?</p> <p>23 A Yes. The reference to the Robison case</p> <p>24 was it took a combination of the collection comment</p>	<p style="text-align: right;">155</p> <p>1 A They do.</p> <p>2 Q They do.</p> <p>3 A Yes.</p> <p>4 Q Do you recall an incident where you were</p> <p>5 asked to look up a certain dialer history and it did</p> <p>6 not reflect what was shown on that account's collection</p> <p>7 comment list?</p> <p>8 A I do not.</p> <p>9 Q All right. Back to the January 16th, 2013</p> <p>10 call. So that was made with a predictive dialing</p> <p>11 system. Correct, sir?</p> <p>12 A January 16th, yes.</p> <p>13 Q Okay. And you know that because it says</p> <p>14 SYS?</p> <p>15 A SYS.</p> <p>16 Q And that means that no one picked up.</p> <p>17 Correct?</p> <p>18 A Right.</p> <p>19 Q Okay. Now, do you know -- If you look at</p> <p>20 the amount of calls do you know why Green Tree was</p> <p>21 calling so many times to reach Mr. or Mrs. Brencis?</p> <p>22 A How many calls?</p> <p>23 Q Well, as you can see, for example, on</p> <p>24 January 16th they called them four times in one day.</p>
<p style="text-align: right;">154</p> <p>1 list and the Latitude comment list to show a complete</p> <p>2 picture of that. As long as this account never</p> <p>3 resulted in any asset recovery activity, which it</p> <p>4 didn't, then yes, it would reflect every call made</p> <p>5 on the account.</p> <p>6 Q Okay. So the only -- If I wanted a complete</p> <p>7 history of calls made on a certain account there are</p> <p>8 only two places I can look, and it's the collection</p> <p>9 comment list and there is the -- What's it called?</p> <p>10 A The Latitude.</p> <p>11 Q -- the Latitude list. Is that correct?</p> <p>12 A Right.</p> <p>13 Q There is no other document that would</p> <p>14 reflect calls?</p> <p>15 A Those are the official records of activity.</p> <p>16 Q Okay. Now, if you wanted to figure out --</p> <p>17 Well, in preparing -- in helping your attorney prepare</p> <p>18 your answers to the interrogatories did you rely on</p> <p>19 this collection comment list and the Latitude list?</p> <p>20 A No.</p> <p>21 Q Okay. What did you rely on?</p> <p>22 A My databases for dialer activity.</p> <p>23 Q And did your database for dialer activity</p> <p>24 reflect what's on the collection comment list?</p>	<p style="text-align: right;">156</p> <p>1 A Right.</p> <p>2 MR. BLANKENSHIP: January 16th?</p> <p>3 MR. BADWAN: Yes, 2013.</p> <p>4 THE WITNESS: Are we talking about January 16th?</p> <p>5 MR. BADWAN: Yes, sir.</p> <p>6 MR. BLANKENSHIP: I object. I think that</p> <p>7 misstates the document.</p> <p>8 MR. BADWAN: Is it three?</p> <p>9 MR. BLANKENSHIP: I think it's three, one</p> <p>10 system call and then two by Victor Valle or one by</p> <p>11 Victor Valle.</p> <p>12 THE WITNESS: I only count two calls.</p> <p>13 BY MR. BADWAN:</p> <p>14 Q There's three, guys. Oh, no, you're right,</p> <p>15 there's two. Okay. So they called twice on January</p> <p>16 16th according to this collection comment list.</p> <p>17 A Right.</p> <p>18 Q And on January 17th they called twice as</p> <p>19 well. Just by looking at this do you know why they</p> <p>20 were calling?</p> <p>21 A Why they were trying to contact Mr. Brencis?</p> <p>22 Q Yes.</p> <p>23 A By glancing at it, no. But I am sure if I</p> <p>24 read everything I would --</p>

<p style="text-align: right;">157</p> <p>1 Q Okay.</p> <p>2 A If I read the whole account history I could</p> <p>3 give you an answer.</p> <p>4 Q I want your opinion on this. Why do you</p> <p>5 think they were calling?</p> <p>6 MR. BLANKENSHIP: Then I guess I will object.</p> <p>7 It's beyond the scope of the 30(b)(6) notice. He</p> <p>8 just said he'd have to read this whole thing and</p> <p>9 then he'd still be speculating since he said he</p> <p>10 wasn't involved in the calls.</p> <p>11 MR. BADWAN: Fair enough.</p> <p>12 BY MR. BADWAN:</p> <p>13 Q All right. Let's go to the next call.</p> <p>14 A Okay. The very next day.</p> <p>15 Q Right. So January 18th.</p> <p>16 A 17th.</p> <p>17 MR. BLANKENSHIP: January 17th.</p> <p>18 THE WITNESS: At 19:38. Another system answering</p> <p>19 machine detected to 3837 just like the call on the</p> <p>20 16th.</p> <p>21 BY MR. BADWAN:</p> <p>22 Q Okay. Was that using the predictive dialing</p> <p>23 system?</p> <p>24 A It was.</p>	<p style="text-align: right;">159</p> <p>1 A Yes.</p> <p>2 Q Along with the system-detected 3-tone?</p> <p>3 A And the number attempted.</p> <p>4 Q Okay. I want to direct your attention to</p> <p>5 1/21 at 20:13:24. Was that call made using a</p> <p>6 predictive dialing system?</p> <p>7 A Yes.</p> <p>8 Q How do you know that?</p> <p>9 A At the beginning of the collection comment</p> <p>10 it lists as CoCP which I would read as a co-applicant</p> <p>11 cell phone attempt by the predictive dialer.</p> <p>12 Q Okay. And it's just based on the coding.</p> <p>13 Correct? CoCP?</p> <p>14 A CoCP.</p> <p>15 Q That indicates a predictive dialing system</p> <p>16 made a phone call and Mr. or Mrs. Brencis or another</p> <p>17 human picked up and it was sent to a live agent?</p> <p>18 A Correct. It detected a human voice and</p> <p>19 then passed it to a person.</p> <p>20 MR. BLANKENSHIP: You have got it now.</p> <p>21 MR. BADWAN: Is Green Tree hiring? Because I</p> <p>22 think I have got it down. I am moving on.</p> <p>23 BY MR. BADWAN:</p> <p>24 Q Next phone call, please.</p>
<p style="text-align: right;">158</p> <p>1 Q And you know that because the initials are</p> <p>2 SYS?</p> <p>3 A Yes.</p> <p>4 Q And that's indicative it was the predictive</p> <p>5 dialing system?</p> <p>6 A SYS in addition to the number.</p> <p>7 Q Right.</p> <p>8 A Yeah.</p> <p>9 Q But this call you know it because of SYS?</p> <p>10 A Yes.</p> <p>11 Q Along with the answering machine and no</p> <p>12 message?</p> <p>13 A And the disposition and number dialed, yes.</p> <p>14 Q Okay. Next call, please?</p> <p>15 A That's the 21st, 1/21/2013. There are</p> <p>16 three, three calls on this day, 12:17, 17:21 and</p> <p>17 20:13. 12:17 system detection -- system-detected</p> <p>18 3-tone as the disposition at the 3837 phone number.</p> <p>19 Q What date are you on, sir?</p> <p>20 A 1/21 at 12:17.</p> <p>21 Q Okay. And was that call made using a</p> <p>22 predictive dialing system?</p> <p>23 A It was.</p> <p>24 Q Okay. And you know that because of SYS?</p>	<p style="text-align: right;">160</p> <p>1 A That puts us -- Oh, wait. That's all the</p> <p>2 calls on the 21st. And on the 22nd the first call</p> <p>3 is at 11:39:52 the next day. 11:39:52.</p> <p>4 Q Okay. And was that call made with a</p> <p>5 predictive dialing system?</p> <p>6 A It was.</p> <p>7 Q Okay. And you know that because it says</p> <p>8 SYS?</p> <p>9 A SYS.</p> <p>10 Q Okay. And based on this disposition the</p> <p>11 call says hung up?</p> <p>12 A Disposition is hung up.</p> <p>13 Q I am curious. How does the system know if</p> <p>14 someone hangs up?</p> <p>15 A There's a very technical answer to this.</p> <p>16 Q I am just curious.</p> <p>17 A Based on the detection types and what is</p> <p>18 heard at the time.</p> <p>19 Q This is a very advanced system.</p> <p>20 A It is. And it's using telephony rules that</p> <p>21 are in place worldwide. I mean you dial a phone</p> <p>22 number it's supposed to ring. When there is an error</p> <p>23 on the telephony side you're supposed to get a</p> <p>24 certain type of tone. We mentioned a 3-tone. You</p>

<p style="text-align: right;">161</p> <p>1 have heard this tone a million times in your life. 2 It's universal worldwide. It's the standard tone 3 for that number is no longer in service. 4 Q Oh, I see. 5 A You have heard it. Same thing with this. 6 A hang-up -- It's listening for clicks and pauses, 7 and it's all programmed to determine what exactly is 8 happening on the far end. It tries to listen whether 9 it's -- If it picks up -- Because it's sending a 10 signal, a digital signal now, but it knows when that 11 signal stops and when something is listening for it. 12 And it tries to listen if that was a click and somebody 13 is picking up a phone or hitting a button, if there is 14 any noise, static, background noise, human voices 15 talking, music. And it knows when you hang up when 16 the line is dead. That could be the result of a 17 person picking up and hanging up right away. It could 18 be the result of the call failing anywhere along the 19 path of the thousand of PBXs or exchanges. So it gets 20 a hung up when it's ringing, it stops ringing, but 21 then the call terminates and it is not sure why. 22 You don't hear a hello then a click. 23 Q So it can detect -- it's set to detect 24 certain things.</p>	<p style="text-align: right;">163</p> <p>1 that normal? 2 A At the time I would guess it was normal for 3 this particular disposition. 4 Q Okay. So someone hangs up; call again. 5 MR. BLANKENSHIP: Well, call again like it was 6 instantaneous? 7 BY MR. BADWAN: 8 Q Well, it goes back into the system to be 9 called again. 10 MR. BLANKENSHIP: Fair enough. 11 BY MR. BADWAN: 12 Q Correct? 13 A Right. 14 Q So the system was set at this certain time 15 on 11/22/2013 that if someone was to hang up it would 16 call again? 17 A Yes. I can deduce that on this particular 18 day on a hang-up call result it was programmed to 19 try that same number again greater than 30 minutes 20 in the future. 21 Q Okay. But if someone hangs up isn't that 22 a sign they don't want to talk to somebody? 23 A I don't know. It could be a sign of many 24 things.</p>
<p style="text-align: right;">162</p> <p>1 A A lot of things. It must have 60 system 2 dispositions to indicate different types of termina- 3 tions so we kind of can gauge what's happening on 4 phone numbers that aren't resulting in anything. 5 Because if it's a bad phone number it doesn't make 6 sense to continue to dial it. 7 Q Right. It is not effective. 8 A Right. 9 Q Now, let me ask you this. So they hung up 10 on the first call on January 22nd, 2013 at 11:39. 11 Now, if there is no contact made how does the system 12 know to call again the same day and who decides the 13 frequency? So that is a compound question. Let me 14 just start with how does it know to call again? 15 A It's programmed. 16 Q To do what? 17 A Based on the disposition, the outcome it's 18 programmed by both timing whether to try the number 19 again or not, how soon to try it again, whether to 20 switch to a different number on the account and try 21 that instead and in any particular order. 22 Q Okay. So in this case there was -- the 23 system detected the recipient of the call hung up 24 and it called approximately 31 minutes later. Is</p>	<p style="text-align: right;">164</p> <p>1 Q Okay. Well, typically if someone hangs up 2 the phone -- I am not asking your professional 3 opinion; I am asking you as your everyday common 4 sense. Usually if someone hangs up what's that an 5 indication of? 6 MR. BLANKENSHIP: In that case I am going to 7 object to the form of your question as beyond the 8 scope of the 30(b)(6). 9 BY MR. BADWAN: 10 Q Please answer the question. What's that 11 an indication of? 12 MR. BLANKENSHIP: Same objection. 13 BY MR. BADWAN: 14 Q If you call somebody and they hang up on 15 you, what does that mean to you? 16 MR. BLANKENSHIP: Objection, calls for 17 speculation. 18 BY MR. BADWAN: 19 Q Please answer the question. 20 A I would speculate -- 21 MR. BLANKENSHIP: Don't speculate. 22 BY MR. BADWAN: 23 Q Well, you have to answer the question. 24 A I have got to answer the question?</p>

<p style="text-align: right;">165</p> <p>1 MR. BLANKENSHIP: If you can. You don't have 2 to speculate though to answer it. 3 BY MR. BADWAN: 4 Q Has someone ever hung up on you, Mr. Sparks? 5 A Yeah. Usually I give them the benefit of 6 the doubt and think that there's probably a phone 7 problem and it was purely accidental. 8 Q What if it happens again within the hour? 9 MR. BLANKENSHIP: Objection, speculation. 10 THE WITNESS: I don't know unless they -- It's 11 never happened again to me so I don't know. 12 BY MR. BADWAN: 13 Q Okay. Well, based on the facts of this or 14 the facts of the collection comment list what it 15 portrays is that on January 22nd, 2013 Green Tree 16 called Mr. or Mrs. Brencis on five separate times. 17 I'm sorry, more. 18 MR. BLANKENSHIP: What day? 19 BY MR. BADWAN: 20 Q January 22nd, 2013. Let me count. One 21 second. Okay. So on January 22nd, 2013 the collection 22 comment list based on the criteria you gave me called 23 -- the predictive dialing system called Mr. or Mrs. 24 Brencis six times. Is that correct?</p>	<p style="text-align: right;">167</p> <p>1 A Six. Wait. Let me check the next page. 2 Six. 3 Q Okay. So Green Tree was probably giving 4 Mr. or Mrs. Brencis the benefit of the doubt here, 5 huh? 6 MR. BLANKENSHIP: Object to the form of the 7 question. 8 MR. BADWAN: I will move on. 9 BY MR. BADWAN: 10 Q January 24th, 2013. Could you tell me how 11 many calls were made to Mr. or Mrs. Brencis using a 12 predictive dialing system? 13 A Seven. 14 Q We're on January 24th, right, sir? 15 A Yes. 16 Q The 24th. 17 A The 24th starting at 9:35:36. 18 Q So they called Mr. or Mrs. Brencis using a 19 predictive dialing system on seven separate times on 20 January 24th? 21 A They did. 22 Q Okay. Do you know why? Just based looking 23 at the collection comment list can you deduce why 24 they were calling them so many times?</p>
<p style="text-align: right;">166</p> <p>1 A That's correct. 2 Q And Mr. or Mrs. Brencis hung up four of the 3 six times? 4 A Possibly. Just because it says hung up 5 doesn't mean that they hung up. 6 Q But the collection comment list does say 7 hung up. Correct? 8 A That's the disposition, yes. 9 Q Okay. Okay. Let's go to January 23rd. How 10 many calls were made to Mr. or Mrs. Brencis by Green 11 Tree using a predictive dialing system? 12 A Six starting at 9:16:23. 13 Q And you know they were made with the 14 predictive dialing system by the initials SYS -- 15 A Yes. 16 Q -- for January 23rd? 17 A January 23rd is SYS. Again there are three 18 calls that are disposition with hung up 3837. At 19 9:16, 9:47 and 10:19, yes, those are predictive 20 dialing system. 21 Q This is limited to the calls of January 22 23rd, 2013 made by a predictive dialing system. How 23 many times does the collection comment list indicate 24 that Mr. or Mrs. Brencis hung up?</p>	<p style="text-align: right;">168</p> <p>1 A Because they didn't answer the phone. 2 Q Okay. Then how many times did the collection 3 comment list indicate that Mr. or Mrs. Brencis hung 4 up on January 24th, 2013? 5 A I have looks like five hung up dispositions 6 on January 24th. 7 Q Okay. Now, I don't know what your attorney 8 told you and I am not asking what he told you. But 9 Mr. and Mrs. Brencis filed for bankruptcy back in 10 June of 2012 and there was even a discharge. Do you 11 know what a discharge is? 12 A Possibly. 13 Q What do you think it is? 14 A I think it's a legal term indicating their 15 debt is discharged. 16 Q Forgiven? 17 A Forgiven, yeah. 18 Q Also our office sent Mr. -- sorry -- Green 19 Tree a letter saying to cease call contact with 20 Mr. and Mrs. Brencis. That was back on January 5th 21 of 2013. Based on the collection comment list Green 22 Tree continued to call. Correct? 23 MR. BLANKENSHIP: Objection. That mischaracter- 24 izes the letter for one thing.</p>

<p style="text-align: right;">169</p> <p>1 BY MR. BADWAN: 2 Q Well, we sent a letter, okay, on January 3 5th. So does the collection comment list reflect 4 that Green Tree called Mr. or Mrs. Brencis after 5 January 5th? 6 A Yes, the collection comment list indicates 7 calls were placed after January 5th. 8 Q Was it more than ten calls? 9 A It is more than ten calls. 10 Q More than twenty? 11 A I don't know. I didn't count. 12 Q All right. We'll go back to the list. All 13 right. So we talked about January 24th. Your 14 testimony was there were seven calls made on January 15 24th. Correct? 16 A Correct. 17 Q All right. And they were all made using a 18 predictive dialing system? 19 A Yes. Correct. 20 Q Okay. What is the next date that Green 21 Tree called Mr. or Mrs. Brencis using a predictive 22 dialing system? 23 A On January 26th -- 24 Q Okay.</p>	<p style="text-align: right;">171</p> <p>1 on January 28th was made using the predictive dialing 2 system? 3 A It's coded by the SYS initials for a 4 system-detected 3-tone disposition. 5 Q What disposition? That was the disposition. 6 How did that phone call end when it says system- 7 detected 3-tone? 8 A When the predictive dialing system detects 9 a 3-tone, when it hears that -- pick-up and hears 10 the 3-tone sound, the tri-tone, it disconnects the 11 call. 12 Q What does that usually mean? 13 A A bad number, disconnected phone line. 14 Q How do you know which number was called? 15 A 3837. The number is also next to the 16 disposition in the comments. 17 Q Okay. But it's clearly not of that number 18 because why would it show that it was a detected 19 3-tone but then the very next -- a day later it'll 20 say hung up or something? 21 A It depends on what specific -- what it 22 heard at that time. 23 Q So -- Okay. 24 A Especially if we're talking cell phones</p>
<p style="text-align: right;">170</p> <p>1 A -- at 11:06. 2 Q And how many times did they call them on 3 January 26th using a predictive dialing system? 4 A They called them twice. 5 Q And could you please tell me what the 6 disposition according to the collection comment list 7 was? 8 A Hung up. 9 Q Okay. And you know those were predictive 10 dial system calls because of SYS? 11 A Correct. 12 Q Okay. And then what is the next date that 13 the predictive dialing system was used to call 14 Mr. and Mrs. Brencis? 15 A On January 28th. 16 Q And how many times did that predictive 17 dialing system call Mr. and Mrs. Brencis on January 18 28th, 2013? 19 A Twice. 20 Q And what were the times of those calls? 21 A 10:30 and 16:54. 22 Q What was the second one? I'm sorry. 23 A 16:54:19. 24 Q Okay. And how do you know the first call</p>	<p style="text-align: right;">172</p> <p>1 where people have ring-back tones. They have stuff 2 that instead of ringing like a traditional sound of 3 a telephone ringing it plays music when you are 4 waiting for them to answer. A lot of that stuff 5 will confuse the detection mechanism on the dialer a 6 little bit. 7 Q So if the debt collector is calling you 8 put on a music ring tone; that will confuse your 9 system? 10 A You will get a lot more of these dispositions 11 that are hang-up depending, 3-tone and -- Like I said, 12 I've probably got 60 system dispositions for all this 13 stuff. The end result is we try to determine why 14 nobody answered the phone. We're certain that nobody 15 answered the phone. 16 Q Okay. All right. So two calls on January 17 28th were made using a predictive dialing system. 18 Correct? 19 A On January 28th? Yes, two calls. 20 Q Okay. And how about January 29th? 21 A On January 29th the predictive dialer system 22 made five phone calls starting at 11:43. 23 Q And were all those calls made using the 24 predictive dialing system?</p>

<p style="text-align: right;">173</p> <p>1 A All five, yes. 11:43, 12:14, 12:45, 16:24 2 which was passed to an agent, and then the last one 3 at 19:47 which was another system detection. 4 Q Okay. And how many of those calls resulted 5 in a disposition of hang-up or hung up? 6 A Three. 7 Q Is nine calls -- How many total calls were 8 made by Green Tree to Mr. Brencis on that day? 9 A On that day? 10 Q Yes, total. That includes predictive dialing 11 system calls and click calls. 12 MR. BLANKENSHIP: The 29th? 13 MR. BADWAN: Yes. 14 THE WITNESS: Yes. Five predictive dialing system 15 plus one from VRV which was six plus one from TJO which 16 is seven plus another from TJO it looks like which is 17 eight, and VRV -- is that a different day -- 11/29 VRV 18 which is nine. 19 BY MR. BADWAN: 20 Q Okay. 21 A So looks like five predictive dialer, four 22 manual. 23 Q Do you personally think it's reasonable to 24 call someone nine times a day?</p>	<p style="text-align: right;">175</p> <p>1 MR. BLANKENSHIP: You are asking him personal 2 questions that have nothing to do with a 30(b)(6) 3 deposition. 4 MR. BADWAN: That's a relevance objection. It's 5 noted. 6 MR. BLANKENSHIP: It's beyond the scope of the 7 notice and calling for speculation. 8 BY MR. BADWAN: 9 Q When you hang up on people what does that 10 mean? 11 A I don't hang up on people. 12 Q You've never hung up on anybody? 13 A Not that I recall. I am a very nice guy. 14 Q January 30th. Did Green Tree make any calls 15 to Mr. and Mrs. Brencis using the predictive dialing 16 system? 17 A On January 30th there were two calls placed 18 by the predictive dialing system. 19 Q Okay. And how do you know they were calls 20 using the predictive dialing system? 21 A At 11:46 there's a call that was placed by 22 the predictive dialing system and passed to agent 256 23 indicated by the app cell phone in the collection 24 comment.</p>
<p style="text-align: right;">174</p> <p>1 MR. BLANKENSHIP: Object to the form of the 2 question. Beyond the scope of the 30(b)(6). 3 BY MR. BADWAN: 4 Q Please answer the question. 5 A I do not. 6 Q You don't think it's reasonable. Right? 7 A If they don't answer the phone it sounds 8 reasonable. 9 Q Would you be mad if someone called you nine 10 times a day? 11 MR. BLANKENSHIP: Object to the form of the 12 question. 13 BY MR. BADWAN: 14 Q Answer the question. 15 A I guess it depends on the purpose. 16 Q Okay. If you personally hang up on someone 17 what would that mean to you? 18 MR. BLANKENSHIP: Object to the form of the 19 question. 20 BY MR. BADWAN: 21 Q You're under oath. And I understand -- 22 MR. BLANKENSHIP: He knows he's under oath. You 23 don't have to keep reminding him of that. 24 MR. BADWAN: Well, he's been evasive.</p>	<p style="text-align: right;">176</p> <p>1 Q Okay. So how many calls were made to 2 Mr. and Mrs. Brencis using the predictive dialing 3 system between the relevant time period of April 30th, 4 2012 to June 20th, 2013? 5 A Forty-one. 6 Q And all the other calls between April 30th 7 of 2012 and June 20th 2013, how were they made? 8 A All the other calls other than the ones we 9 just went over that are predictive dialer calls would 10 have been made manually. 11 Q All right. Now, when you said manually is 12 it the same thing as Robison? It's the integration 13 between -- What was it? What did we call it? The 14 I -- We had a shorthand for it. Do you recall, 15 Mr. Sparks? It's the IBM but we had a -- 16 A Oh, I Series. 17 Q Yeah, so the I Series. Was that the 18 platform they called it? 19 A Yes. 20 MR. BLANKENSHIP: Server. 21 THE WITNESS: The server, yeah. 22 BY MR. BADWAN: 23 Q Okay. So all the other calls in the 24 relevant time period were made using the integration</p>

<p style="text-align: right;">177</p> <p>1 between the I Series server, the hard or soft phone, 2 the human and there was one more thing, the UCSe. 3 Correct? 4 A Correct. 5 Q Okay. Did you make any of the calls yourself 6 in the relevant time period? 7 A No. 8 Q So how do you know that's the manner they 9 were made? 10 A I know that's the manner they were made 11 because there is no other manner that they can be made 12 and result in a collection comment file. 13 Q So it's your testimony today that you're 14 able to deduce how a call is made by looking at the 15 collection comment file. Correct? 16 A Well, I can tell you everything that is a 17 predictive dialer call. 18 Q How do you know no other calls were made 19 in the method you just described? So you're able to 20 testify -- you could definitely identify how a 21 predictive dialing system call was made -- 22 A Right. 23 Q -- based on either the SYS or an abbreviation 24 we discussed earlier. How do you know how all the</p>	<p style="text-align: right;">179</p> <p>1 BY MR. BADWAN: 2 Q I will repeat the question. How were the 3 calls that were not predictive dialing system calls 4 made between June of 2012 to April of 2013? 5 A The calls that were not predictive dialing 6 system calls would have been made manually either 7 through the agent's desk phone -- 8 Q Which uses the UCSe interface which gets 9 the number from the I Series server? 10 A Right. 11 Q Which then the call is made either using 12 the soft or hard phone. Correct? 13 A Soft phone or hard phone. But the point I 14 was trying to make is they were a manual attempt. 15 That's why I keep using that word. Because whether 16 they punched the digits on their physical phone to 17 achieve the phone call they documented the result of 18 that attempt in the collection comment file. 19 Q Okay. So in your professional opinion in 20 your capacity as systems manager your testimony today 21 is if it was not a predictive dialing system call 22 based on the criteria you have already testified to 23 they were made manually using the resources available 24 to a Green Tree collection representative. Correct?</p>
<p style="text-align: right;">178</p> <p>1 other calls were made? 2 A They were made -- They were made any other 3 way that's not through the predictive dialer. 4 Q Okay. 5 A That's the deduction. 6 Q Okay. So you're just deducing. So the 7 only other way they could have been made is through 8 the integration of the I Series with the UCSe, the 9 human and the hard and soft phone? 10 A Well, not necessarily. 11 Q Okay. 12 A The calls could have been made on their 13 grandmother's cell phone. I mean the manner in which 14 they made the phone calls would still be a manual 15 attempt. 16 Q No, you are not answering my question. 17 MR. BLANKENSHIP: Yes, he is. 18 BY MR. BADWAN: 19 Q The topic was the manner in which the calls 20 were made. He's saying I don't know. 21 MR. BLANKENSHIP: That wasn't your question and 22 that wasn't his answer. Why don't you ask the 23 question. 24</p>	<p style="text-align: right;">180</p> <p>1 A Correct. 2 Q And those resources are the UCSe, the soft 3 and hard phone, the I Series server and the hardware 4 and software. Correct? 5 A Correct. 6 Q So it's an integration of those things that 7 would enable the call? 8 A It's the integration of those things that 9 would enable the -- that would enable the environment 10 for the call to take place. 11 Q Okay. Great. And you need all four of 12 those elements to place those calls? 13 A The server has the information you would 14 need. 15 Q The number. 16 A The phone number. 17 Q Okay. The UCSe has what? 18 A Would be the place you document the results 19 of that phone call. 20 Q Okay. And -- 21 A The agent needs a phone to place the actual 22 dialer. 23 Q Okay. Very well. At all times relevant 24 to this case all the predictive dialing system</p>

<p style="text-align: right;">181</p> <p>1 calls, were they made using the Aspect Unified IP 2 6.6 Service Pack? 3 A That's correct. 4 Q And this is a predictive dialing system. 5 Correct? 6 A It is. 7 MR. BADWAN: Can we take a break? 8 (Following an interruption the 9 deposition was continued as follows:) 10 MR. BADWAN: Back on the record. 11 BY MR. BADWAN: 12 Q Now, Mr. Sparks I want you to take a look 13 at Exhibit G. I believe that was the interroga- 14 tories -- Green Tree's answers to interrogatories. 15 A Okay. 16 Q Those were your answers. Correct? 17 A Yes. 18 Q And do you want to change anything? 19 A I do not. 20 Q You do not? Okay. Let's take a look at 21 them. 22 A Oh, I do. We do need to update interrogatory 23 8 -- 24 Q Okay. And that one asks --</p>	<p style="text-align: right;">183</p> <p>1 BY MR. BADWAN: 2 Q Okay. 3 A Okay. I can't tell you from the collection 4 comment list which -- 5 MR. BADWAN: Okay. We have gotten that answer 6 through other Green Tree representatives so we can 7 move on. Exhibit H. 8 (Whereupon, a document was marked as 9 Exhibit H for identification.) 10 BY MR. BADWAN: 11 Q One last document for Brencis. I am handing 12 Mr. Sparks what we'll label as H -- Exhibit H for 13 purposes of this deposition. Have you ever seen this 14 document before? 15 A No, I haven't. 16 Q Okay. Do you know what it is just based on 17 what you see in front of you? 18 A Yeah, because we discussed a similar document 19 on the other cases. 20 Q And what does it purport to be? 21 A An amended answer -- How did you say it 22 before? 23 Q Amended answer. 24 A Amended answer to the complaint, yeah.</p>
<p style="text-align: right;">182</p> <p>1 A -- for all three. 2 Q Okay. And that's regarding when Green Tree 3 started recording phone calls. Correct? 4 A Correct. 5 Q And your deposition testimony, I believe, 6 was nine or ten years ago was the answer? 7 A Yes. We had another call recording system 8 we used. 9 Q Okay. And do you know if Green Tree's in 10 possession of any recordings that relate to the 11 Brencis account? 12 A I want to say no, we don't have any phone 13 recordings. 14 Q Okay. And were you able to tell which call 15 center those predictive dialing systems were made from 16 based on the collection comment list for Brencis? 17 A The call center? The predictive calls? 18 Q Well, do you know where the outgoing calls 19 were made from? 20 A The predictive calls will be made from -- 21 Q Either Tempe or based on your previous -- 22 MR. BLANKENSHIP: Or St. Paul. 23 THE WITNESS: Tempe or St. Paul. 24</p>	<p style="text-align: right;">184</p> <p>1 Q Okay. And do you know if this was prepared 2 by attorneys? 3 A I don't know. 4 Q Okay. So what happened here was Green Tree 5 decided to amend their answer because they initially 6 denied placing calls to Mr. and Mrs. Brencis using a 7 predictive dialing system. So they amended their 8 answer to say that some calls were made using a 9 predictive dialing system. Do you have any knowledge 10 why they initially denied using a predictive dialing 11 system? 12 A No. 13 Q No. Okay. And based on the collection 14 comment list for Brencis are you able to tell if 15 there was consent given to Green Tree to call them 16 using the predictive dialing system? 17 A I didn't review it for consent. 18 Q Okay. How would you be able to identify 19 consent based on the collection comment list? 20 A I would -- I am not an expert in that 21 area. There is a consent flag in the UCS that -- 22 Q You mean UCSe? 23 A UCSe, yeah. 24 Q UCSe. Okay. And so just by looking at</p>

<p style="text-align: right;">185</p> <p>1 the collection comment list you wouldn't be able to 2 identify consent there. Correct? 3 A No. 4 Q Okay. All right. Let's move on to the last 5 case for the day, Jeffrey and Katarzyna Modica vs. 6 Green Tree Servicing, LLC, 14 CV 03308. How did you 7 find out about this lawsuit against Green Tree? 8 A I was requested to search the dialer history 9 for attempts. 10 Q Okay. And who requested that you search? 11 A Somebody from our legal department. 12 Q Okay. Do you recall when that was 13 approximately? 14 A No. 15 Q Okay. All right. So the relevant time 16 period for this case is June 6th, 2008 to July 2nd, 17 2013. Were you employed at Green Tree on June 6th, 18 2008? 19 A No. 20 Q Okay. Do you remember your start date at 21 Green Tree? 22 A April something, 2010. 23 Q Okay. And during the relevant time period 24 here you had two different positions at Green Tree,</p>	<p style="text-align: right;">187</p> <p>1 Exhibit I for identification.) 2 BY MR. BADWAN: 3 Q Handing Mr. Sparks Exhibit I, okay, do you 4 recognize the document I handed you, Mr. Sparks? 5 A I do. 6 Q And what is it? 7 A This is a collection comment list. 8 Q Okay. And do you know who this is for? 9 A For Jeff Modica at account number 9344 looks 10 like or 8344. Yep. 11 Q Okay. And so it is for Jeff Modica? 12 A Yes. 13 Q Okay. Now, I did forget to ask you regard- 14 ing the collection comments for Brencis. If you 15 want to refer back to Exhibit F it's the collection 16 comment list for Brencis. Now, does that document -- 17 is that the collection comments for Gints Aris and 18 Larisa Brencis? 19 A It is. 20 Q Okay. 21 A For account number 7282. 22 Q Okay. So back to Modica, how many phone 23 calls were made between June 6th, 2008 to July 2nd, 24 2013 using the predictive dialing system?</p>
<p style="text-align: right;">186</p> <p>1 I believe. 2 A Yes. 3 Q And that would be predictive dialing system 4 administrator until about 2012 and then you became 5 systems manager? 6 A Yes. 7 Q Okay. And that's the position you currently 8 hold. Correct? 9 A Correct. 10 Q All right. Do you know if Green Tree placed 11 any outgoing phone calls to Mr. or Mrs. Modica regard- 12 ing the loan? 13 A I don't remember without the record. 14 Q Okay. So you don't have personal knowledge 15 without referring to the record. Correct? 16 A Yeah. I am always going to have to look 17 at the record. 18 Q Did you make any calls to Mr. or Mrs. Modica 19 from 2008 to 2013? 20 A Did I personally? 21 Q Yes. 22 A No. 23 MR. BADWAN: Okay. All right. 24 (Whereupon, a document was marked as</p>	<p style="text-align: right;">188</p> <p>1 A I can tell you if you show me the answer I 2 gave for the interrogatory. 3 MR. BADWAN: Sure. So this is going to be 4 Exhibit J. 5 (Whereupon, a document was marked as 6 Exhibit J for identification.) 7 BY MR. BADWAN: 8 Q This is Green Tree's responses to plaintiffs' 9 second set of interrogatories. 10 A Yes. All right. So to answer your previous 11 question I am looking at the answer to interrogatory 12 number 3 which shows six phone calls were made by the 13 predictive dialer to the phone numbers listed in 14 interrogatory 3. 15 Q Okay. And I know you're basing your 16 response to my question based on your responses to 17 that interrogatory. Now, the answers in the response 18 to interrogatories, are they reflected on the 19 collection comment list? 20 A Yes. 21 Q Okay. Let's go with the first one. So 22 your testimony today is Green Tree used a predictive 23 dialing system to call Mr. and Mrs. Modica on six 24 different occasions between June 6th, 2008 and July</p>

<p style="text-align: right;">189</p> <p>1 2nd, 2013?</p> <p>2 A Correct, to the phone numbers 625-2000 or</p> <p>3 625-2342.</p> <p>4 MR. BLANKENSHIP: I just wanted it clarified</p> <p>5 because there are other predictive dialer calls to</p> <p>6 other numbers, not to theirs.</p> <p>7 MR. BADWAN: Okay.</p> <p>8 MR. BLANKENSHIP: What you want to do with that</p> <p>9 is up to you.</p> <p>10 BY MR. BADWAN:</p> <p>11 Q Sure. So to the numbers listed in the</p> <p>12 interrogatories which are (630) 625-2000 and (630)</p> <p>13 625-2342 there were six calls using -- that Green</p> <p>14 Tree employed a predictive dialing system to make</p> <p>15 outgoing calls?</p> <p>16 A That's correct.</p> <p>17 Q Okay. Let's start with the oldest one.</p> <p>18 When would that have been?</p> <p>19 A 10/24/2011.</p> <p>20 Q Before we proceed there could you please</p> <p>21 tell me whether -- The predictive dialing system,</p> <p>22 is it the Aspect Unified IP Version 6.6?</p> <p>23 A Yes. The Aspect Unified IP Version 6.6</p> <p>24 Service Pack 2 was freshly installed in October of</p>	<p style="text-align: right;">191</p> <p>1 dialing systems were a combination of Aspect Unified</p> <p>2 IP and the Aspect Conversations OS?</p> <p>3 A No. These are already -- The oldest date</p> <p>4 here, 10/18, represents a call that was placed on the</p> <p>5 new software.</p> <p>6 Q So all those calls reflected in your</p> <p>7 responses -- and we will go through them one by one</p> <p>8 -- were made using which predictive dialing system?</p> <p>9 A I believe they were made using Aspect's</p> <p>10 Unified IP, the newer software.</p> <p>11 Q The newer software. Okay. All right. And</p> <p>12 you testified that you started working at Green Tree</p> <p>13 in, was it, April, 2010?</p> <p>14 A Correct, April, 2010.</p> <p>15 Q Okay. And based on the collection comment</p> <p>16 list that you have in front of you were there any</p> <p>17 calls -- outgoing calls made by Green Tree using a</p> <p>18 predictive dialing system?</p> <p>19 MR. BLANKENSHIP: To any number or to these</p> <p>20 numbers or what?</p> <p>21 BY MR. BADWAN:</p> <p>22 Q To the cell phone numbers that we talked</p> <p>23 about which are --</p> <p>24 MR. BLANKENSHIP: In the interrogatories?</p>
<p style="text-align: right;">190</p> <p>1 2011.</p> <p>2 Q Okay. So any calls made prior to October,</p> <p>3 2011 would have been made using which predictive</p> <p>4 dialing system?</p> <p>5 A There are going to be some grey area there.</p> <p>6 I would have to answer to specific calls because</p> <p>7 during these types of installs you usually come up</p> <p>8 on both systems simultaneously for a while.</p> <p>9 Q Okay. This is actually a very important</p> <p>10 question for the nature of this case. Now, if a</p> <p>11 phone call would have been made with a predictive</p> <p>12 dialing system previous to 2011 would it have used</p> <p>13 the Aspect Conversations OS 6.00? Because I believe</p> <p>14 your prior testimony was in 2008 they used the Aspect</p> <p>15 Conversations OS 6.0.</p> <p>16 A Yes.</p> <p>17 Q Is that correct? Do you recall what I am</p> <p>18 talking about? I don't want to put words in your</p> <p>19 mouth.</p> <p>20 A See if this answers your question. The</p> <p>21 Aspect Conversations 6.0 dialer was upgraded in 2011</p> <p>22 to Aspect's Unified IP 6.6 dialer.</p> <p>23 Q Okay. So the calls that you provide in</p> <p>24 your responses that were made with these predictive</p>	<p style="text-align: right;">192</p> <p>1 BY MR. BADWAN:</p> <p>2 Q Yes. -- (630) 625-2000 and (630) 652-2342.</p> <p>3 And look at -- Your answer obviously is worth some-</p> <p>4 thing here. So if you just want to say you're</p> <p>5 sticking to your interrogatory responses or you can</p> <p>6 go ahead and take a look at it. It's up to you. You</p> <p>7 can speak to your counsel what you want to do here.</p> <p>8 Does he want to stipulate?</p> <p>9 MR. BLANKENSHIP: We'll stipulate these were the</p> <p>10 six calls made with the predictive dialing system to</p> <p>11 these numbers, yes.</p> <p>12 BY MR. BADWAN:</p> <p>13 Q Do you want to change the answers to your</p> <p>14 interrogatory responses?</p> <p>15 A Were there any calls to -- Am I missing</p> <p>16 something here? It seems that these six calls that</p> <p>17 I listed here are the only six calls made by the</p> <p>18 predictive dialing system to either 625-2000 or</p> <p>19 625-2342. Right?</p> <p>20 MR. BLANKENSHIP: Yes.</p> <p>21 THE WITNESS: So on 10/18 I've got one call to</p> <p>22 2000, on 10/19 I've got one call to 2000, on 10/21 I</p> <p>23 have three calls -- wait -- no, two calls to 2000, and</p> <p>24 on 10/24 I have two calls to 2000.</p>

<p style="text-align: right;">193</p> <p>1 BY MR. BADWAN: 2 Q Okay. And let's start with the 10/18/11 3 call which is going to be on page -- Oh, okay. 4 They're on page 172. I am using the numbers on the 5 top right-hand corner. 6 A Yes, yes. 7 Q Okay. And on 10/18/2011 did Green Tree 8 make an outgoing call to the number (630) 625-2000 9 using a predictive dialing system? 10 A Yes. 11 Q Okay. And how do you know that? 12 A This phone call at 9:36 says SYS, system, 13 and a disposition of system detected no answer. 14 Q Okay. How do you know if it's a cell phone 15 or not? 16 A I would need to look. Based on the infor- 17 mation I am looking at right now I would need to look 18 up in the system of record to find out which phone 19 field it's listed under at this time. 20 Q Okay. And then the other phone call made 21 on October 18th -- because it looks like there was 22 two -- that was another call using a system. You 23 just don't know whose number that is? Because the 24 interrogatory is specific as to two numbers. So is</p>	<p style="text-align: right;">195</p> <p>1 that? 2 MR. BLANKENSHIP: Well, it's on line and he 3 looked it up, but this is the written manifestation. 4 THE WITNESS: Yeah. You could know based on -- 5 MR. BADWAN: Well, I am concerned that now 6 there's two different -- Off the record, please. 7 (Whereupon, discussion was held off 8 the record.) 9 MR. BADWAN: Please go back on the record. 10 BY MR. BADWAN: 11 Q October 21st, 2011 it appears based on your 12 interrogatory responses that two phone calls were made 13 using a predictive dialing system to Mr. and Mrs. 14 Modica. Correct? 15 A Correct. 16 Q Okay. And you know that because of the 17 symbol SYS? 18 A Yes. 19 Q Okay. Are there -- Then there's two calls 20 also on October 24th, 2011 in which Green Tree used 21 the predictive dialing system to contact Mr. or Mrs. 22 Modica? 23 A Yes. 24 Q Okay. And you know the October 24th calls</p>
<p style="text-align: right;">194</p> <p>1 it your -- Does the collection comment list reflect 2 that another call was made on October 18th, 2011 using 3 a predictive dialing system? 4 A Yes, to a number not listed in interrogatory 5 3. 6 Q Okay. And how many calls were made on 7 October 19th, 2011 to one of the numbers listed in 8 interrogatory number 3? 9 A One. 10 Q Okay. And does that mean the predictive 11 dialing system was used to call Mr. or Mrs. Modica? 12 A It was. 13 Q Okay. How about -- Okay. How about on -- 14 When is the next time a predictive dialing system 15 was used to call Mr. and Mrs. Modica? 16 A On 10/21. 17 Q And how do you know those are -- How many 18 calls? 19 A There are two calls. 20 Q Okay. And how do you know a predictive 21 dialing system was the manner these calls were made? 22 A I know because I looked it up in the 23 database of the predictive dialer. 24 MR. BADWAN: Is there a reason we don't have</p>	<p style="text-align: right;">196</p> <p>1 were predictive dial calls why? 2 MR. BLANKENSHIP: What are we looking at? 3 MR. BADWAN: October 24th. 4 THE WITNESS: October 24th. 5 MR. BLANKENSHIP: 13:18? 6 THE WITNESS: Yes. You have one phone call that 7 as I mentioned in a previous phone call has system, 8 SYS, initials followed by the outcome and the phone 9 number tried by the predictive dialer. And then the 10 next one was a contact passed to agent 511 with the 11 AppBP. 12 BY MR. BADWAN: 13 Q What does that stand for? 14 A Applicant business phone, work phone. 15 Q But that wasn't -- Okay. I see. So BP 16 is -- Because you initially said the way you can 17 identify a call made by a predictive dialing system 18 is it says ApCP. 19 MR. BLANKENSHIP: No, he said App followed by 20 something. 21 BY MR. BADWAN: 22 Q App followed by something. If it says App 23 then you have got a predictive dialing system call. 24 Correct?</p>

<p style="text-align: right;">197</p> <p>1 A Or Co for a co-applicant. 2 Q Okay. So AppCo or App -- 3 MR. BLANKENSHIP: App or Co-App. 4 BY MR. BADWAN: 5 Q Okay. App or CoApp. 6 A The dialer only will call six possible 7 phone fields on any given account. 8 Q Sure. And what are those? 9 A Applicant home phone, applicant business 10 phone, applicant cell phone, co-applicant home 11 phone, co-applicant business home and co-applicant 12 cell phone. That's six. That's all your six possible 13 codes that you will see at the beginning of your 14 collection comment list. 15 Q Which would indicate what? 16 A The field that the dialer attempted to call. 17 Q Okay. Fair enough. All right. So I want 18 to go -- If you give me a minute just to go through 19 the rest of the calls to see if there is anything 20 under that category after October 24th, 2011. Did 21 you find something, Mr. Sparks, that wasn't listed 22 in your response? 23 A No. 24 Q Okay. So you don't want to change your</p>	<p style="text-align: right;">199</p> <p>1 BY MR. BADWAN: 2 Q All right. So it's your testimony today 3 that all the other calls listed on this collection 4 comment list that do not have an indication for 5 predictive dialing system were made manually through 6 the process I just discussed with you regarding the 7 integration of the four systems or the four elements 8 that you need, a human/agent, the I Series server 9 which stores numbers, the UCSe which displays the 10 number to the agent and also a hard or soft phone. 11 Correct? 12 A I believe that's correct. 13 Q Okay. And the way manually the calls are 14 made -- there's really two ways. You said you can 15 either punch them in yourself using the hard phone, 16 you can punch them in to -- and then the soft phone 17 will call or you can do the one click dial system. 18 And is there any way to know which one of those 19 different methods was used to make a certain call? 20 A Regarding the manual attempt how the phone 21 digits are entered into the phone system, I am not 22 aware of any way to tell if they were pushed on a 23 physical telephone or entered on a soft phone or 24 clicked in a box in UCSe. The ultimate result is</p>
<p style="text-align: right;">198</p> <p>1 response? 2 A I do not. 3 Q Okay. Now, it appears from the collection 4 comment list that other phone calls were made to 5 Mr. and Mrs. Modica regarding their account. How do 6 you know how those calls were made, in what manner? 7 A I can deduce that any call that wasn't made 8 on the predictive dialing system was made as a manual 9 attempt by an agent. 10 Q Okay. And when you say manual attempt 11 we're going to go back to your previous testimony 12 that that involves an agent, the I Series server which 13 stores phone numbers, the UCSe platform -- interface, 14 sorry -- you called it an interface -- along with 15 either a soft or hard phone. Correct? 16 A Correct. 17 Q And it's an integration of all those that 18 makes the call possible. Correct? 19 A It makes the call possible, correct. 20 Q Okay. Now, is a predictive dialing system 21 an auto dial system or no? 22 A I don't know. 23 MR. BLANKENSHIP: Object to the form of the 24 question.</p>	<p style="text-align: right;">200</p> <p>1 still that sequence of digits is passed to the 2 telephone system to dial. 3 Q Okay. Have you ever discussed with your 4 compliance department -- do they ever discuss with 5 you if Green Tree's been sued for a TCPA violation? 6 A No, no. 7 Q Are you aware of any lawsuits outside of 8 these three lawsuits that allege that Green Tree 9 violated the TCPA? 10 A I typically get asked to provide the data 11 I control which is predictive dialer accounts, call 12 recordings, details. Details of the case aren't 13 discussed with me. 14 Q Okay. 15 A The allegations are not discussed with me. 16 Q Okay. Were the allegations discussed with 17 you here in these three cases? 18 A Since we started doing this deposition, yes. 19 Q And this is the first time you were deposed 20 regarding a Green Tree matter? 21 A Correct. 22 Q How many system managers are there for Green 23 Tree that you are aware of? 24 A I am aware of two.</p>

<p style="text-align: right;">201</p> <p>1 Q Two. Nationwide?</p> <p>2 A Yes.</p> <p>3 Q Do you know if other people have been</p> <p>4 deposed?</p> <p>5 A I do not.</p> <p>6 MR. BLANKENSHIP: I'm sorry, were there two</p> <p>7 others in addition to you?</p> <p>8 THE WITNESS: No, one other guy.</p> <p>9 BY MR. BADWAN:</p> <p>10 Q Oh, two total.</p> <p>11 A That I am aware of.</p> <p>12 Q You guys both work out of Tempe?</p> <p>13 A No, this other guy is in Rapid City, South</p> <p>14 Dakota.</p> <p>15 Q Have you ever met him?</p> <p>16 A Yes.</p> <p>17 Q Do you know if he's been deposed?</p> <p>18 A I do not.</p> <p>19 Q So you have no idea if Green Tree gets sued</p> <p>20 over the TCPA?</p> <p>21 A No.</p> <p>22 Q There is no way for you to know?</p> <p>23 A No.</p> <p>24 Q Okay. If an account is flagged for being</p>	<p style="text-align: right;">203</p> <p>1 Exhibit K.</p> <p>2 (Whereupon, a document was marked as</p> <p>3 Exhibit K for identification.)</p> <p>4 BY MR. BADWAN:</p> <p>5 Q Mr. Sparks, do you recognize this document?</p> <p>6 A Yes, I recognize this document.</p> <p>7 Q And what is it?</p> <p>8 A This is an amended answer to -- by Green</p> <p>9 Tree.</p> <p>10 Q So you recognize it. Where did you see</p> <p>11 this before?</p> <p>12 A For the other two cases.</p> <p>13 Q So it's similar but a different caption?</p> <p>14 A Correct.</p> <p>15 Q Okay. Did you help prepare this?</p> <p>16 A No.</p> <p>17 Q Okay. What this is is an amended answer</p> <p>18 by Green Tree in which they initially denied using</p> <p>19 the predictive dialing system for Mr. or Mrs. Modica</p> <p>20 and their amended answer later stated some calls were</p> <p>21 made. Do you have any knowledge as to why they would</p> <p>22 have denied it initially?</p> <p>23 A I do not.</p> <p>24 Q Okay. All right. Mr. Sparks, have you</p>
<p style="text-align: right;">202</p> <p>1 in litigation are you made aware of that so that way</p> <p>2 you make sure it gets out of the predictive dial</p> <p>3 system?</p> <p>4 A They rely -- I rely on a series of flags.</p> <p>5 Q Sure.</p> <p>6 A That would be like do not call. Right?</p> <p>7 So if a system like in your specific example is flagged</p> <p>8 with being in litigation, they would flip an indicator</p> <p>9 in the whole system that would pass as an exempt yes</p> <p>10 on the account to me. So if that account ever made</p> <p>11 its way into the dialer file the dialer would look</p> <p>12 at that field and see a Y in exempt yes and it would</p> <p>13 not dial it.</p> <p>14 Q Okay. Outside of interrogatory 8 would</p> <p>15 you change any answers to your responses -- Green</p> <p>16 Tree's responses to the Modica interrogatories?</p> <p>17 A I would not.</p> <p>18 Q Are you aware of any recorded phone calls</p> <p>19 regarding this matter?</p> <p>20 A I am not.</p> <p>21 MR. BADWAN: Okay. I need a break.</p> <p>22 (Following an interruption the</p> <p>23 deposition was continued as follows:)</p> <p>24 MR. BADWAN: The last exhibit for Modica,</p>	<p style="text-align: right;">204</p> <p>1 ever been disciplined by Green Tree?</p> <p>2 A No.</p> <p>3 Q Does Green Tree use LiveVox?</p> <p>4 A LiveVox? I am familiar with the name, but</p> <p>5 I don't know why. I don't think we use it.</p> <p>6 Q Okay.</p> <p>7 A But I do know the name.</p> <p>8 Q Okay. Can you tell me why you think you --</p> <p>9 What do you think it is?</p> <p>10 A I can't remember. You know, I am going to</p> <p>11 guess that they have probably tried to sell me some-</p> <p>12 thing in the past.</p> <p>13 MR. BADWAN: Okay. Fair enough. All right. I</p> <p>14 am done.</p> <p>15 MR. BLANKENSHIP: No questions. We'll reserve.</p> <p>16 * * * AND FURTHER DEPONENT SAITH NOT. * * *</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, MARLANE K. MARSHALL, C.S.R., a Notary Public
in and for the County of Cook, State of Illinois do
hereby certify that ROGER SPARKS was first duly sworn
by me to testify the truth; that the above deposition
was recorded stenographically and reduced to type-
writing by me; that the deposition is a true, correct
and complete transcript of the entire testimony given
by the said witness at the time and place hereinabove
set forth, and that signature is hereby reserved by
said witness.

I further certify that I am not counsel for nor
in any way related to any of the parties to this
suit, nor am I in any way interested in the outcome
thereof.

In witness hereof, I have hereunto set my hand
and affixed my Notarial Seal this 14th day of
January, A.D., 2015.

Marlane K. Marshall
MARLANE K. MARSHALL
CSR License #084-001134



SIGNATURE PAGE/ERRATA SHEET
I, ROGER SPARKS have read the foregoing
transcript of my deposition taken on January 8, 2015,
and except for any corrections noted below, it is a
true and correct transcript of my deposition
given on the date aforesaid.

CORRECTIONS BASED ON ERRORS IN
REPORTING OR TRANSCRIPTION

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ROGER SPARKS

STATE OF ILLINOIS)
COUNTY OF _____)
SUBSCRIBED AND SWORN TO
before me this _____ day _____
Notary Public
of _____ A.D., 2015.

Roger Sparks
January 8, 2015

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